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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable SUSAN M. COLLINS, a Senator from the State of Maine.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Creator, our source of strength, we humbly acknowledge Your power and gratefully accept Your mercy and grace.

We need Your mercy for we fall short of Your glory. We need Your grace, for we can do nothing to deserve Your favor or gain Your love.

Today, permit our Senators to feel Your presence. Give them confidence to draw near to You and to find grace to help them meet national and global challenges.

Help them to find joy in the companionship of Your sovereign leading. Use them to promote the values of justice and peace.

We pray in Your glorious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SUSAN M. COLLINS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 24, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby

appoint the Honorable SUSAN M. COLLINS, a Senator from the State of Maine, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Ms. COLLINS thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each until the hour of 3 p.m.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. FRIST. Madam President, this afternoon we have a 1-hour period of morning business before we proceed to executive session. At approximately 3 o'clock today we will be turning to consideration of Jerome Holmes to be a United States Circuit Court judge for the Tenth Circuit. We have an order in place that allows for 2 hours of debate today and 2 hours of debate tomorrow morning. Therefore the vote on confirmation of Jerome Holmes will occur tomorrow morning before the policy meetings.

I also remind everyone that we have a consent agreement for the consider-

ation of S. 403, the Child Custody Protection bill. We will be returning to that bill tomorrow afternoon to dispose of the amendments and final passage of the Child Custody Protection measure tomorrow.

I want to put all of my colleagues on notice that we do need to finish that bill on Tuesday, and if we have to work well into the evening, we will do so in order to finish that important bill.

Another issue to consider this week is the Energy Security Act of 2006. That bipartisan bill is on the calendar and we want to proceed to its consideration as quickly as possible. If there are objections to considering that bill, it will be necessary to file cloture and we will be prepared to file that motion. That vote would come as early as Wednesday, Wednesday morning. I do also remind my colleagues that we have a joint meeting on Wednesday morning. At 11 o'clock on Wednesday there will be a joint meeting with the House to hear the address by Prime Minister Maliki of Iraq.

Given this address, a cloture vote would occur possibly around 10 o'clock on Wednesday, in which case we could proceed directly to the House immediately following that vote, sometime after 10:30. If that is the case, and I expect it will be, Senators should stay in the Chamber following that vote and then we will proceed together to the Hall of the House of Representatives for that joint meeting.

I was discussing with the Democratic leader, we should also put our colleagues on notice that next week will be the last week of legislative business prior to the August adjournment. As we plan the schedule for the remainder of this week and next, there is a lot to accomplish. Senators should fully expect a vote on Monday, July 31. We were able to reach several agreements last week, which allowed us to say no rollcall votes for today's session, but I expect very important votes will occur each day next week, including Monday's session, so everyone should plan

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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their schedules to accommodate this final week.

#### ORDER OF PROCEDURE

Finally, I remind everyone that today marks the eighth anniversary of the fatal shootings of Officer Chestnut and Detective Gibson as they protected the U.S. Capitol. At this time, I ask unanimous consent that at 3:40 this afternoon the Senate observe a moment of silence in recognition of these two fallen officers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Madam President, I will turn to the Democratic leader and then I have a very brief comment on the events today.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### INTELLIGENCE AUTHORIZATION

Mr. REID. Madam President, I didn't mention this in our private conversation, but we are going to do the Defense bill hopefully before we leave, and the one thing we haven't talked about is the Intelligence authorization bill. That has been reported out of the committee. I think we could have a very short time agreement—I mean very short. Is there a way the leader would try to work that into the schedule before we go? Because this would be the second year without an intelligence authorization bill.

Mr. FRIST. Let's consider that. I think over the next day or so we need to get together and go through all we do need to accomplish before we leave for that month for the August recess. Let's talk specifically about that bill as well.

Mr. REID. Yes.

#### REMEMBERING CAPITOL POLICE OFFICERS GIBSON AND CHESTNUT

Mr. FRIST. Madam President, 8 years—that is how long it has been since two Capitol police officers gave their lives in the line of duty. On July 24, 1998, a lone gunman entered this building, the Nation's Capitol. He was wearing a green fedora with extra bullets in his pocket when he opened fire. He shot two officers and a tourist before falling himself.

It is a day I will never forget. It is a day when I was swiftly driven back to my days in emergency medicine, emergency surgery, in the reality that even your best efforts cannot always save a life—because, despite our best efforts, we couldn't save Special Agent John Gibson or Officer Jacob J. Chestnut. It is a humbling experience, realizing the debt of gratitude we owe these two fallen heroes for their sacrifice and recognizing it can never be fully repaid. But

we can honor their sacrifice by remembering, by offering solemn tribute to their courage, and by protecting the memory of these heroes.

We must ensure that Special Agent Gibson and Officer Chestnut did not die in vain, and that the America they died protecting is the America we preserve today and in the future. I hope, I pray we are never faced with such tragedy again.

Thus, at 3:40 this afternoon, I hope this body will join me in a moment of silence, a moment to reflect on the courageous sacrifice of Special Agent Gibson and Officer Chestnut for, although 8 years have passed, their memory and their sacrifice is alive in these halls today.

I yield the floor.

#### THE WAR IN IRAQ

Mr. REID. Madam President, 1 month ago on June 22, the Senate held a debate about the raging and intractable war in Iraq. That debate, Democrats—led by Senators LEVIN and JACK REED—gave voice to the concerns of the American people and advocated that the Bush administration change course in Iraq.

We argued that the administration follow the law of the land. The law of the land is that the year 2006 will be a year of significant transition. That is the law. We argued that this year should be a year of transition, that we should follow the law with Iraqis taking charge of their own security and their own government so that American forces could be redeployed by the end of this year.

Our plan would have given the Iraqi people their best chance for success, while also giving America the best chance to confront the growing threats of North Korea, Iraq, and terrorism around the world.

Our plan would have engaged regional powers to help bring stability to Iraq and would have reminded the countries of the world of their commitment to invest in Iraq's long-term economic prosperity which seems to have been lost.

Our plan would have refocused America's military, diplomatic, and economic might on terrorist threats that face us in Iraq and globally, including Osama bin Laden, who remains free after 5 years.

Our plan would have tracked closely with the plan of our commanders on the ground in Iraq today, led namely by General Casey, who on their own have developed a similar strategy for success.

Despite that fact, the majority of the Republicans chose not to join the Democrats in serious debate about Iraq. I think they put their political needs ahead of America's security.

As they have in nearly every Iraq war debate, Republicans have blindly rubberstamped the President's mismanagement of this war and fell in line with his failed policy.

One month later, after the debate on Levin-Reid, the consequence of "staying the course" in Iraq is evident in every place.

In the last month in Iraq, more than 3,000 Iraqis have been killed—an average of 100 a day. And more than 100 were killed just yesterday.

Pick up any newspaper. Here is today's. "Bombings Kill at Least 66 in Iraq."

If you read the article, it is a lot more than 66. The intense violence made last week one of the deadliest in Iraq.

Read the article: 348 people killed, 6 of them police officers. Read the article: 34 dead. Read the article: 60 killed. Read the article: 24 civilians killed.

It doesn't talk about the hundreds and hundreds who have been wounded and injured, many of them for life.

This is a civil war. As I said last week, I tepidly talked about civil war. But I decided that there was no reason to be tepid about it—that there is a civil war going on in Iraq.

Take the New York Times from yesterday. There are lots of other places you could go to find the same thing. "It's Official: There Is Now a Civil War in Iraq."

This wasn't written by somebody who is just passing by deciding to write an op-ed piece and they stick the headline on. He is Nicholas Sambanis, a professor of political science at Yale, author of "Making War and Building Peace." He says, among other things:

The question of whether a country has fallen into civil war is often deliberately muddled for political reasons.

We have had some muddling here.

He goes on to say:

But if the term "civil war" seeks to convey the condition of a divided society engaged in destructive armed conflict, then Iraq sadly fits the bill.

The consequences of staying the course in Iraq is a full-blown civil war.

In the last month, nearly 3,000 additional Iraqis have been killed, 50 American soldiers have been killed, 250 have been wounded, \$13 billion of taxpayer money has been spent since that debate. The price of gasoline is now, as reported in this morning's news, the highest ever, averaging more than \$3 a gallon.

Staying the course, North Korea, on July 4, tested new long-range missiles.

In the last month, Hezbollah has terrorized Israel.

In the last month, al-Qaida found a new sanctuary, it appears, in large swaths of Somalia.

These are the costs of "staying the course" in Iraq and of a Senate which rubberstamps what the President does.

My question today is, how long will America be forced to pay these costs? The longer it takes for this Republican Congress to hold President Bush accountable for his mistakes, the less safe America becomes.

Democrats have asked for another Iraq debate before the August recess. I hope we have that opportunity because

the Republican leader said today that we are going to take up the Defense appropriations bill. I hope we would have an opportunity to do it there.

We want to give rubberstamping Republicans another chance to demand that President Bush change course in Iraq—not because of any political point scoring but because national security clearly demands it.

We live in a dangerous world, but nearly everywhere you look, from the Middle East to Asia, America's enemies have been emboldened by this administration's mismanagement of this conflict in Iraq. They are taking advantage of our damaged reputation in the world and the fact that Iraq has tied our hands to redouble their efforts and threaten us and our allies.

The Middle East has faced problems, as we know, for decades. Every American President since World War II has struggled to bring freedom, stability, and prosperity to this region. The President washed his hands of what was going on with the Palestinians and the Israelis until the Intifada became so complex, with so much conflict, that he had to step in. But that took years into his first term of office.

The war in Iraq has destabilized the Middle East and taken our attention and our resources away from other threats. That is without question. So far, the result of the Iraq war has been instability and no security. One of the biggest winners so far has been Iran. They continue to thumb their nose at our country. The war in Iraq has given it exactly what it wants: greater influence in Iraq and throughout the Middle East. The longer we go without a strategy for success in Iraq the stronger Iran gets and the more confident it is in supporting terrorist organizations like Hezbollah, which is now terrorizing Lebanon and Israel.

I believe Israel has every right to defend itself from these terrorist acts. While it defends itself, the United States should be standing by its side.

Unfortunately, because Iraq has tied our hands and exhausted our resources and our reputation, the Bush administration has had to sit on the sidelines. The President was ineffective in finding any solution during the G8 Summit, and he went nearly 2 weeks without dispatching his Secretary of State to the region. Finally, yesterday, Secretary of State Rice left for the Middle East. Hopefully her surprise visit to Lebanon is not a continuation of the Bush photo-op foreign policy. "Mission Accomplished," "Bring 'em On." I hope it is not a photo-op again but a serious effort to follow the call for American leadership.

The Bush administration's—as reported on the face of a major weekly magazine last week—cowboy diplomacy cannot be replaced by couch potato diplomacy where we sit and do nothing.

Democrats have called for a special envoy to emphasize the need for full-time leadership. We need to do the hard

work to put Iran back in the box and bring stability back to the Middle East. That job can be started but can't be finished by the Secretary of State during a brief visit there this week. What we need is a full-time special envoy—someone who can work around the clock with Egypt, Jordan, Saudi Arabia, the Europeans, and, yes, Russia and Israel.

Together, we can bring some good out of this terrible situation by finding ways to support the Lebanese Government, continue our support for Israel, and disarm Hezbollah and ultimately contain the Iranian power. The challenge will be for this administration and its Republican rubberstamp allies in Congress to step up and do the job. We need a new direction.

This week, the Iraqi Prime Minister will meet with President Bush and address a Joint Session of Congress here in Washington. When he is here, we need President Bush to communicate that our commitment in Iraq is not unlimited. He needs to announce a change of course in his failing policy.

If we hope to live in a world that is safe and secure, we must end the open-ended commitment in Iraq that is costing this Nation \$3 billion each week and requires the deployment as we speak of at least 125,000 of America's finest troops.

We must transition the mission in Iraq so that we can marshal our resources to the other threats America faces such as Bin Laden, who, as I said, remains free after 5 years, Iran, North Korea, and many other troubled spots in the world.

We must insure that the Senate is more than a rubberstamp for the executive branch. There are only 2 weeks before the August recess—really just 6 voting days left. There are a number of important subjects that deserve our attention but none more important than the intractable war in Iraq.

The Senate can no longer turn a blind eye to what is happening in Iraq. It is costing too many American lives, too many Iraqi lives, too many dollars, and too much of our national security.

Mr. DURBIN. Madam President, will the Democratic leader yield for a question?

Mr. REID. I would be happy to yield to my friend.

Mr. DURBIN. Last year, we had bipartisan agreement on the Senate floor, and the agreement was that this year, the year 2006, would be a year of significant transition in Iraq. We spelled out what we had in mind, that the Iraqis would take on more responsibility for their own fate and their own future, that the United States troops would be able to start withdrawing and coming home in this year of 2006. I ask the Democratic leader, as he joins with me each morning reading about how Iraq is descending into a civil war, the number of innocent civilians who are being killed in Iraq, and the number of American troops who continue to lose their lives in Iraq,

when we voted for significant transition in Iraq, is this what we had in mind?

Mr. REID. I say to my friend, this was on a bipartisan vote. On a bill co-sponsored by the two people who take care of our armed services, Senators LEVIN and WARNER, 79 Senators voted for that, and the law of the country as we speak is that the year 2006 is to be a year of significant transition in Iraq, and the President, I believe, should follow that law and he is not doing that. I agree with my friend.

Mr. DURBIN. I ask the Senator from Nevada if he would yield for this question. Then this year when the Defense authorization bill came forward, is it not true that the Democratic side offered another amendment in an attempt to strike a bipartisan position on foreign policy in Iraq, an amendment which was sponsored by Senator LEVIN of Michigan, Senator REED of Rhode Island, who is a graduate of West Point, served in the United States Army, and that this amendment which we offered to our friends on the Republican side to join us this year said we would start a transition this year before the end of the calendar year by re-deploying American troops outside of Iraq? This amendment we offered had 39 of 45 Democratic Senators supporting it and no Republican support.

I would ask the Senator from Nevada, at the end of that Defense authorization bill, just a few weeks ago, was any position taken by the Republican side of the aisle that suggested any change in policy in Iraq?

Mr. REID. I say to my friend, that is what is so concerning to me, that they are following—they, the Republican Senators, are following President Bush, stay the course, stay the course in Iraq. It breaks my heart, frankly. Every day I get up. This is just one page of the paper. I went through the deaths—hundreds of them. I didn't read here, but in the past week 1,000 people in Iraq have moved out; they are afraid. They move out of their neighborhoods. We have probably now estimated 200,000 people in Iraq since the first of the year have had to move their homes. They have no place to go. They want to try to stay alive. The turmoil, the civil strife in that country, is unbelievable, and to think that this country's policy is to stay the course is not sensible.

Mr. DURBIN. Again, if the Senator from Nevada will yield, as you watch the disintegration of the foreign policy under this administration, we find ourselves relying on the Chinese to try to negotiate some peaceful resolution in North Korea, we are relying on the Russians to try to find some way to approach the Iranians on their nuclear power, but we have no one to turn to when it comes to Iraq. This was our own creation, with British help and some other countries, but primarily American soldiers and American resources. I would ask the Senator from Nevada, is his point on the floor today

that the bipartisan Senate should not go home for the August recess without taking up this issue? We have spent weeks, the Republican leadership has spent weeks in the Senate on meaningless constitutional amendments and issues that bear little relevance to the daily lives of Americans, but the Senator from Nevada has to feel, as do I, we have an obligation to these soldiers and their families before we leave in August to have a meaningful debate on this floor about how to make certain that we end up in Iraq with our mission truly accomplished. I ask the Senator from Nevada, is that the purpose of his coming to the floor?

Mr. REID. First, my coming here is just as the Senator indicated. How can we, the Senate of our country, leave here with the raging civil war going on and our troops are right in the middle of it? How can we leave here without changing the course in Iraq? That is why I am here. It is a cry for help. We need our Republican colleagues to speak out. This blind allegiance to the President is not good for our country.

Mr. DURBIN. I thank the Senator from Nevada for yielding for the questions.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask permission to speak as if in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mr. BINGAMAN. I thank the Chair.

#### ENDING THE CRISIS IN ISRAEL AND LEBANON

Mr. BINGAMAN. I have come to the Senate floor today to discuss what I believe are some necessities, steps to bring an end to the current crisis in Israel and Lebanon and to set us back on a course toward stability in the Middle East.

I condemn the killing and the kidnapping of Israeli soldiers by Hamas and Hezbollah. I believe that was a deliberate act of provocation. It was intended to further rupture efforts at creating stability in the region, and it was carried out by groups who seek no less than the destruction of the nation of Israel. And I, I am sure along with my colleagues, support Israel's right to defend itself. However, I also believe the Israeli response has been excessive and the current crisis of escalating violence on both sides must be brought to an end so we can resume efforts at creating a lasting peace.

My first point is I believe United States interests and Israeli interests will be furthered if we support the efforts of the Secretary General of the United Nations to bring about a cease-fire at the earliest possible date. Secretary General Kofi Annan has called for an immediate end to fighting between Israel and Hezbollah. He has pointed out the obvious, which is that as long as fighting continues, the num-

ber of civilian deaths both in Israel and Lebanon will increase. I also believe this may be the best way to ensure the safe return of kidnapped soldiers. Of course, the further destruction of civilian infrastructure in Lebanon is putting the future economic and political viability of that nation at serious risk. I think it is obvious to all that what is occurring in Israel and Lebanon is a disaster for many innocent civilians.

Our own administration has chosen not to support Secretary General Annan's call for an end to hostilities. As I understand Ambassador Bolton's position, it is that allowing a continuation of hostilities will provide Israel the opportunity to eliminate Hezbollah's ability to attack Israel and that this degrading of Hezbollah's military capability will provide a better possibility for long-term peace. I support the goal of long-term peace, but I disagree with his view that continued combat is the best way to achieve it.

Whatever additional military advantage might be achieved by delaying a cease-fire comes at a very high cost. First, there is the cost in the loss of additional civilian lives.

Second, there is the additional support for Hezbollah in the Arab world which the continued attacks on Lebanon will almost certainly generate.

Third, there is the increase in anti-Israeli and anti-American sentiment throughout the Middle East and more broadly which will result if the military conflict continues.

While I understand the goal of these continued attacks is to bring an end to terror in the Middle East, and I strongly support that goal, I believe the result will be the opposite.

The administration's unwillingness to join other nations in calling for a cessation of hostilities reinforces the belief in Arab countries that our Middle East policy is based on a double standard. The perception is we have one level of concern when innocent Israeli civilians are being killed and injured and much less concern when the injured or killed civilians live in Arab countries. Support by the U.S. for an immediate cease-fire would save lives on both sides and would help to counter that perception.

There was an article in the Washington Post last week by Michael Abramowitz entitled "In Mideast Strife, Bush Sees a Step to Peace." In the article, he states:

In the administration's view, the new conflict is not just a crisis to be managed. It is also an opportunity to seriously degrade a big threat in the region, just as Bush believes he is doing in Iraq.

If this administration thinks it can succeed here in Lebanon with the same strategy that has brought us success in Iraq, then our foreign policy in Washington is even more out of touch with reality than I had thought.

My second point is as part of our effort to bring about this cease-fire, we need to talk directly with Syrians and others with whom we have disagreed.

Robert Malley, who was President Clinton's special assistant for Arab-Israeli affairs, has written an article in the July 24 issue of Time magazine making that case persuasively. His article is entitled "Time to Start Talking." The thrust of his argument is this administration's policy of not talking to those with whom we disagree has not served us well. The same argument is made by John McLaughlin, the former Deputy Director of the CIA, in yesterday's Washington Post.

In my view, both of these former officials are giving good advice and I urge the President and the Secretary of State to heed that advice.

My final point is this current crisis should be a wake-up call to this administration that the United States needs to reengage diplomatically in the region.

For the past several decades, United States administrations have seen our role in the Middle East as supporting the security of Israel but also as helping to resolve conflicts between Israel and its neighbors and supporting moderate governments in the region. There are many chapters in that history. Among the most remembered are Secretary of State Kissinger's efforts at shuttle diplomacy, President Carter's efforts at Camp David, President Clinton's efforts both in bringing Rabin and Arafat to the White House for a handshake, and his later efforts trying to broker a peace agreement at Camp David.

This current administration has chosen a different course. It has chosen to disengage from that conflict resolution role. As evidence of this, Secretary Powell did not appoint a special Middle East envoy as his predecessor had. Secretary Rice also has not appointed a special envoy. Her statement was:

Not every effort has to be an American effort. It is extremely important that the parties themselves are taking responsibility.

My strong view is this policy of disengagement has not served the interests of the United States, the interests of Israel, or the interests of other countries in the region. We are by far the biggest provider of aid to the countries in the Middle East and if any outside nation is to play an effective and a constructive role, it needs to be the United States.

I am glad the Secretary of State is in Beirut today, but progress on the diplomatic front cannot be postponed awaiting fly-ins by the Secretary of State. Secretary Rice should appoint a special envoy to work full time at resolving disputes and tensions in the region.

Again, John McLaughlin states the point well:

The chances of detecting and heading off imminent disaster are enhanced when there is intense, unrelenting and daily attention by a senior and respected U.S. figure who wakes up every morning worrying about nothing else—the role Dennis Ross played so effectively in the 1990s.

Continuing with his quotation.

Without constant tending to the concerns of all the regional parties, rapid flagging of

issues for decision in Washington and continuity of focus by one individual with access we will lurch from crisis to crisis.

It is ironic that the President and Secretary of State acknowledge the need for an Under Secretary of State for Public Diplomacy. This was the job Karen Hughes was given, to burnish the U.S. image abroad, particularly in the Muslim world. Yet at the same time they refuse to appoint a special envoy to the Middle East which, in my view, would do far more with regard to perceptions in that part of the world.

I urge the administration to reassert the historic role of the United States as a force for resolution of conflict in the Middle East. I believe that must begin by engaging in direct talks with the parties in the region. And I urge the President and our Secretary of State to help bring about an immediate cessation of hostilities.

I ask unanimous consent that the two articles I have referred to, one by Robert Malley and the other by John McLaughlin, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Time, July 24, 2006]

TIME TO START TALKING

(By Robert Malley)

The most alarming aspect of the unfolding crisis in the Middle East isn't how many actors are jumping in. It's who is opting to stay out. Hamas, Hizballah and Israel are directly involved; Iran and Syria by proxy; Lebanon against its will. The U.N. is dispatching its mediators; the European Union is contemplating doing the same. But the U.S., despite colossal strategic stakes, threats to its own security, potential repercussions in Iraq, not to mention staggering loss of life, remains on the sidelines. The world's sole superpower is also its only no-show.

This is by design. From early on, the diplomacy of the Bush Administration has been guided by a straightforward logic: engagement is a reward, misbehavior ought not be rewarded; ergo, misbehaving parties are not to be engaged. The thinking is that isolation, ostracism and, if need be, sanctions are more likely to get troublesome actors to change their ways. And so the list of diplomatic outcasts only grows. Today the U.S. does not talk to Iran, Syria, Hamas, the elected Palestinian government or Hizballah. And as the violence in the region clearly shows, that has hardly been cause for moderation. President Bush once famously observed that the U.S. had sanctioned itself out of all leverage on Iran. In truth, it has worked itself out of much influence on the region.

And that's only half the problem. Since 2000, with the collapse of any Arab-Israeli peace process, the start of the war on terrorism and the U.S. invasion of Iraq, regional actors have lacked a clear compass, rules of the road or a referee. Syria is being told to clean up its act in Lebanon and Iraq; Iran to drop its nuclear program and to stop meddling in its neighbor's affairs; Hamas to undergo an ideological revolution; Hizballah to disarm. All are perfectly justifiable demands, but none are being accompanied by a clear and appealing incentive for the parties' taking such actions—other, that is, than avoiding retribution if they do not.

As a result of this diplomatic vacuum, the only factor constraining the behavior of the

various parties has been their mutual fear. Israel has been worried that Hizballah might launch Katyusha rockets on Haifa, Syria that Israel might wipe out its army or regime, Hamas and Hizballah that their entire leadership could become fair game. But such apprehension always was at most a feeble restraint, because in an unregulated environment, the only thing more costly than disregarding one's fears is displaying them. In the past weeks, that last and flimsy inhibition finally gave way. The conflict no longer is about achieving a specific objective—it's about imposing new rules of conduct, re-establishing one's deterrence, redesigning the region's strategic map. Stopping such fighting is a tall order, precisely because the protagonists' main goal is to demonstrate they are not afraid to prolong it.

It certainly won't be halted without robust, credible and influential third-party involvement. None of the actors will want to appear overly eager for a cease-fire, but more than a few might—at the appropriate time—leap at an outsider's proposed deal. That happened before, in the 1980s and 1990s, when Lebanon was the arena for similar proxy wars and when the U.S., then the energetic mediator, was the instrument of diplomatic negotiations. Without U.S. support, it's doubtful that the U.N.'s mediators will be able to muster similar muscle.

So is there any way out of the crisis? If the U.S. hopes to find one, it will have to help put a comprehensive package on the table, and some of its broad outlines can be divined. On the Israeli-Palestinian side, it would include a reciprocal and verifiable cease-fire, a prisoner swap and Israel's allowing the Hamas government to govern. The Lebanese equation is more complex. Here too a prisoner exchange and cease-fire agreement will be necessary, but a broader deal, involving steps toward Hizballah's disarmament and Israel's withdrawal from the contested Shabaa farms, will probably be required. On the latter issues at least, it is hard to imagine much happening without addressing Syrian concerns; for more sustainable stability, Iran will have to be included as well.

But then, such an approach would entail negotiating with all the wrong people about all the wrong things. That, of course, is precisely what the U.S. is adamant it will not do. One does not talk to outlaw actors, let alone bargain with them. The result has been a policy with all the appeal of a moral principle and all the effectiveness of a tired harangue.

[From Washingtonpost.com, July 23, 2006]

WE HAVE TO TALK TO BAD GUYS

(By John McLaughlin)

Although the fighting in the Middle East is still raging, it is not too soon to start drawing lessons from these tragic events. Even if this situation begins to cool, there are so many other flashpoints in the Middle East and so many other potential hot spots in the world that any respite from crisis is bound to be short.

Lesson No. 1 is that change occurs incrementally and almost imperceptibly in the Middle East, but when it reaches critical mass, the potential for surprise and disaster is enormous. The current situation did not emerge overnight. The death of Yasser Arafat presented a huge opportunity for the international community to bolster Mahmoud Abbas and reform the Palestinian Authority. But that effort largely stalled despite strenuous efforts by the special envoy representing the Quartet—the United States, the European Union, the United Nations and Russia. This helped set the stage for the Hamas victory in the Palestinian elections.

Hamas's control of the West Bank and Gaza and its estrangement from the international community gave Hezbollah, in Lebanon, unprecedented opportunities and reach into those areas. The continuing weakness of the Lebanese government allowed Hezbollah a free hand in its home base.

Lesson No. 2 is that the chances of detecting and heading off imminent disaster are enhanced when there is intense, unrelenting and daily attention by a senior and respected U.S. figure who wakes up every morning worrying about nothing else—the role that Ambassador Dennis Ross played so effectively in the 1990s. It is true that plenty of able people in the U.S. government still focus on the Middle East. But without constant tending to the concerns of all the regional parties, rapid flagging of issues for decision in Washington and continuity of focus by one individual with access, we will lurch from crisis to crisis.

Lesson No. 3, related to all of this, is that process matters, especially in the Middle East, where the issues are so contentious and the parties so divided. Without ongoing, regular and near-continuous negotiation, there are few reference points that all the parties can accept when conflict breaks out. It may not even matter whether perceptible progress is occurring continuously. The important thing is that the table is always set, everyone has a chair and someone is in charge. That has not been the case for some time in the Middle East.

Lesson No. 4 is that even superpowers have to talk to bad guys. The absence of a diplomatic relationship with Iran and the deterioration of the one with Syria—two countries that bear enormous responsibility for the current crisis—leave the United States with fewer options and levers than might otherwise have been the case. Distasteful as it might have been to have or to maintain open and normal relations with such states, the absence of such relations ensures that we will have more blind spots than we can afford and that we will have to deal through surrogates on issues of vital importance to the United States. We will have to get over the notion that talking to bad guys somehow rewards them or is a sign of weakness. As a superpower, we ought to be able to communicate in a way that signals our strength and self-confidence.

Lesson No. 5 is that there are no unilateral solutions to today's international problems, not even for superpowers. They have been rendered impossible by a host of factors unique to this era—globalization, the Internet, the technological revolution and the increasing role of non-state actors with influence that spills across existing borders. The disproportionate influence of Hezbollah at the moment illustrates the point. This doesn't mean turning everything over to international forums. But it is tempting to think that successful passage through the current thicket might have been eased by steps such as a series of regional conferences, linked to our allies and to the United Nations, at which all parties could have been forced—grudgingly and slowly—to put their cards on the table regarding issues such as Iraq, regionally based terrorism and the Israeli-Palestinian conflict. Would this have gotten us anywhere?

In a region as complex as the Middle East, nothing guarantees progress. But what is clear is that these problems are intertwined, that all the states in the region have vital interests at stake, and that approaching these issues serially will only prolong the familiar cycle of one step forward and two steps back.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALBARD). Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF JEROME A. HOLMES TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to executive session to consider Calendar No. 764, which the clerk will report.

The assistant legislative clerk read the nomination of Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours for debate equally divided between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the Judiciary Committee, which I chair, is pleased to report the nomination of Mr. Jerome A. Holmes to be a judge on the U.S. Court of Appeals for the Tenth Circuit. Mr. Holmes comes to this position with an excellent academic and professional background. He was nominated to be a judge on the court on May 4 of this year, received a hearing on June 15 of this year, and was reported out of the Judiciary Committee on July 13 on a voice vote.

The unique situation with Mr. Holmes is that he would be the first African American to serve on the Court of Appeals for the Tenth Circuit. I am about to yield to the distinguished Senator from Oklahoma, Mr. COBURN, who obviously has great familiarity with that circuit, being from the State of Oklahoma. Before moving to Pennsylvania to go to the University of Pennsylvania some years ago, I began my own academic career at the University of Oklahoma, having been a lifelong resident up to that point of the State of Kansas. The Tenth Circuit is near and dear to my heart. I can testify firsthand about the desirability and, in fact, the need for diversity on the Court of Appeals for the Tenth Circuit. There ought to be diversity to the extent practical and possible on all of our courts. It gives the constituency, the litigants, and the people who practice before the court, the sense that there are judges from every walk of life. The broader the background a court possesses, the more understanding it has

of the problems we all face in a very diverse society, which is the melting pot of the world, the better.

That does not mean in any way, shape, or form that qualifications ought to be subordinated, that we should pursue diversity for diversity's sake, regardless of other considerations. But when someone has the qualifications that Mr. Holmes presents to the Senate and in addition would bring diversity to the court to which he has been nominated, that is something to be considered. Certainly the desirability of having diversity on the Supreme Court of the United States is evident and highly visible. Thurgood Marshall was the first Justice on the Supreme Court to be African American. Now we have Justice Clarence Thomas, again, the only African-American judge. It took a long time for women to find a place on the Supreme Court, with the nomination and confirmation of Justice Sandra Day O'Connor in 1981. That was the first year of my service in the Senate, after being elected in 1980. It was a great day when Justice Sandra Day O'Connor took her place on the Supreme Court of the United States. We now have, in addition, Justice Ruth Bader Ginsburg. It is important to have that diversity.

While there is not a Hispanic on the Supreme Court, we have Alberto Gonzales who is the Attorney General of the United States. There is no doubt these individuals are role models. They demonstrate that an Hispanic can come to the highest levels of the Government, as can an African American, as can a woman. It took a long time for women's suffrage, for women to have the right to vote, and to move into the upper echelons of all facets of American life. There is, realistically viewed, still a glass ceiling which imposes some limitation.

Now on to Mr. Holmes and his very excellent qualifications. He graduated from Wake Forest University cum laude in 1983 and the Georgetown University Law Center in 1988. At Georgetown, he served as editor in chief of the Georgetown Immigration Law Journal. In the year 2000, he earned a master's in public administration from Harvard's Kennedy School of Government. Between college and law school, he worked as a social services assistant in the D.C. Department of Corrections. Following law school he clerked for Judge Wayne Alley of the U.S. District Court for the Western District of Oklahoma and then Tenth Circuit Judge William J. Holloway. Following the clerkship, he spent 3 years in private practice as an associate with the well-regarded law firm of Steptoe & Johnson.

In 1994, Mr. Holmes began a distinguished career as a Federal prosecutor serving as an assistant U.S. attorney in the Western District of Oklahoma. Among other duties, he prosecuted public corruption, Federal criminal civil rights violations, and was the of-

fice's antiterrorism coordinator. He also worked on the prosecuting team that built a case against the perpetrators of the Oklahoma City bombing. Since 2005, he has been a director of the private Oklahoma law firm Crowe & Dunlevy, where he has focused on white collar criminal defense and complex litigation. He also chairs the firm's diversity committee.

Mr. Holmes has given back to the people of Oklahoma by taking leadership roles in a wide variety of civic organizations, including service as a director of the Oklahoma Medical Research Foundation, trustee of the Oklahoma City National Memorial Foundation, director of the Oklahoma Academy for State Goals, chairman of the City Rescue Mission, and vice president of the Oklahoma Bar Association. The American Bar Association has unanimously found Mr. Holmes to be qualified to serve on the Tenth Circuit.

Before yielding the floor and turning over the management of the nomination to my distinguished colleague on the Judiciary Committee, I wish to make a few comments about a release of the American Bar Association today on so-called signing statements. I have discussed with Senator COBURN that I will take a few more minutes at this time. May the record show he is nodding in the affirmative. I shall not take too long.

(The remarks of Mr. SPECTER are located in today's RECORD under "Morning Business".)

Mr. SPECTER. Mr. President, at this point, I yield to my distinguished colleague, Senator COBURN, who did an excellent job as Mr. Holmes's principal advocate before the Judiciary Committee, as my designee to handle the proceedings in the Senate this afternoon and tomorrow on the confirmation of Mr. Holmes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, it is a privilege to be on the committee with the Senator from Pennsylvania, and it is a privilege to represent Jerome Holmes during his debate and consideration for the Tenth Circuit Court position.

A lot of discussions have occurred in this body in the last couple of years on judges. One of the things which was prominent in my election to the Senate was the issue of judges. It really comes back down to what the American people would like to see in those people who sit on the highest courts of our land and what are the qualities and characteristics we would like them to have and do they go through a process where those are fairly vetted and taken out of the political arena to see what those qualities are.

Thinking about Jerome Holmes, Senator SPECTER very well outlined his history. So there is no question that he has impeccable credentials and that he is considered well qualified by the American Bar Association. But what he does have is two things. One is a

constitutionally correct and appropriate opinion as to the position of judges in our society. Their job is to take the Constitution, take our statutes and our treaties, and, in the light of Supreme Court precedent, rule only on those things—not to create new law, not to invent a cause they want to make. They are to be very limited in their role. Jerome Holmes understands that.

The second characteristic he has is that of integrity. We hear that word bantered around a lot, and we hear modifiers placed on it. You cannot modify integrity. You either have it or you don't. Your life either represents it or it does not. What people see you do and how you do it is either of integrity or not.

This is an African-American male who was raised in this city, who struggled to accomplish the highest levels of his profession. He excelled every step of the way. Not only did he apply his efforts in terms of his profession, but he spent a great deal of his time applying his skills, knowledge, and intellect to help other people outside of the field of law.

He is a man committed to our country, who has full recognition of what his responsibilities will be as an appellate court judge in the Tenth Circuit in this country. He also fully well knows that his role is to follow the precedent set by the highest Court in this land and to do that in a way which gives everyone before him a truly blind cause of justice for their benefit. We cannot ask more than that of our judges—that in fact they have not only integrity and intellect, but the last thing we can ask is, Do they have heart? Do they have compassion? Have they experienced the real problems of life personally, so that they can see into the lives of others and how they deal with those things in the predicaments and situations which we face and whether they follow a response that is one of integrity. I have no question in my mind that Jerome Holmes has the qualities and characteristics which will make him an excellent appellate judge.

We are going to hear some opposition to him. The opposition is basically because he believes in a colorblind society. He has written commentaries based on what he believes personally. He has been critical—and rightly so, as many in this body have been, and others—of decisions the Supreme Court has made. But to be critical doesn't mean one will not follow what is called *stare decisis*, the precedent set down by the Supreme Court.

It takes great courage for an African-American male to look at affirmative action in a light that says that in the long run, it hurts race relations rather than helps them. Those are my words, not his. But, in fact, what he has done is said this goes against what he believes to be fair and honorable, as we approach the problems within our society. What he really believes is that everybody should be judged on the con-

tent of their character, not on the color of their skin.

So we will hear a lot over the next 4 hours—2 hours today and 2 hours tomorrow—from those people who would question his position. It is OK to question it, but it is not OK to oppose him on the basis of what his personal beliefs are. If we do that, there is not a judge who can qualify. Not one judge could qualify for any court in this land if we take all their personal opinions and put them out in the open and say: This goes against something I believe.

So I am honored that I have the privilege to stand on the Senate floor and defend the criticisms that will come before him. I also know he has heart, he has intellect, and he has integrity. That is what we want. It doesn't matter whether he is Black or White or whether he is Republican or Democrat, we want those qualities in our judges. That is how we assure our freedom—we take the political arena away and out of the courts, and we let the Constitution and our statutes and our treaties reign supreme. That is the best equality for all that we can give to the next generation.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent that any quorum call time we have on the Holmes nomination be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MOMENT OF SILENCE TO HONOR OFFICER CHESTNUT AND DETECTIVE GIBSON

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in recognition of the anniversary of the fatal shootings of Officer Chestnut and Detective Gibson.

(Moment of silence.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, it was 8 years ago today that these two brave men gave their lives in defense of the United States Capitol. A plaque in this building commemorates their bravery. Their names have been etched indelibly

upon the National Law Enforcement Officers Memorial a mile from here, and the headquarters of the United States Capitol Police now bears their names, all of which are fitting and proper memorials but none of which can do these men the full justice they deserve.

We must also remember them in our words, in our actions, and in, as we just did, a moment of prayer. All Members of Congress today, all congressional staff, and, indeed, all Americans owe a great debt of gratitude to Officer Jacob Joseph Chestnut and Detective John Michael Gibson.

These two brave men stood up for us all. They defended our democracy itself, and although none of us will be called upon to display the same sort of moral heroism, we can all learn from their example and all reflect upon their bravery.

Today we mourn for them, we pray for them, we thank them and their families, and we remember them.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there may be other Members of the Senate who have served as police officers during their careers, sitting Members of the Senate. But I served as a Capitol police officer when I was going to school back here. I worked the swing shift. I have a great affection and feel very affiliated with the Capitol police.

Officer Gibson was killed along with Officer Chestnut on the House side. Not long before this terrible act occurred, the Democratic Senate had a retreat in Virginia. My wife got sick during the night. We had to call the Capitol police who were standing by. I can remember Officer Gibson running. He had to run from where the headquarters was, in a different part of the hotel, to our room—it was spread out a long way—carrying all this emergency equipment. When he came, he was perspiring so hard. He was so gentle and nice with my wife. Every time I hear this recounted, how he and Officer Chestnut were killed, I remember this man so clearly. I can see his face very plainly.

I have expressed to his family my personal appreciation, as I tried to do for Officer Chestnut, whom I did not know except in passing—but I felt some affinity toward Officer Gibson. These two men were at one of the entrances to this Capitol. The crazed man came in and killed both of them. While we have this terrible event in the history of the Capitol 8 years ago today—1998—if there could be a positive side, and that is hard to find, the one place you would have to go is the Visitors Center. That is because as a result of this tragic event the decision was finally made, after years and years of treading water, to go ahead and take care of a new visitors center for this Capitol complex. That will be completed in less than 1 year.

It is going to be a wonderful addition to the Capitol for people who are visiting the Capitol. Millions of people



come to visit the Capitol every year. Right now they come through these doors, just like the ones Officers Chestnut and Gibson were guarding. There have been improvements made, but it is hard to do that because of the doorways as you come into the Capitol itself. With the new Visitors Center, there will be an entry over by the Supreme Court. People coming in will be able to be screened for weapons and other dangerous materials.

There will be two beautiful auditoriums where they can watch a 12-minute film to acquaint them with what is in the Capitol. There will be restrooms which are still lacking with the present situation. There will be places for them to eat, get snacks, and buy food. It will be a wonderful experience for them to come to the Capitol. It is a good experience now, but the new situation will make the experience much better.

After 8 years, we still remember these two fine men. We do so not only because of their personal sacrifice, but the fact that every day in this Capitol—as I look around, there are plainclothes officers. A lot of people do not know who they are, but they are here. And they would give their lives protecting the Presiding Officer, the distinguished majority leader, and the assistant leader, those in the back rooms, or any other Senator. That is their job. They know it. While we sometimes take them for granted—and I hope we don't—these are some of the finest trained police officers in the world.

When we stand for Chestnut and Gibson in a moment of silence, our thoughts are also with these valiant men and women who protect this beautiful facility and the people who are in it—Senators, staff, and visitors.

**THE PRESIDING OFFICER.** Who seeks recognition?

**Mr. REID.** I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

**Mr. COBURN.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER (Mr. CORNYN).** Without objection, it is so ordered.

**Mr. COBURN.** Mr. President, I yield 15 minutes to the Senator from Alabama.

**THE PRESIDING OFFICER.** The Senator has 5 minutes remaining under his control.

I recognize the Senator from Alabama.

**Mr. SESSIONS.** Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. SESSIONS.** Mr. President, I am baffled that there would be any opposition to Jerome Holmes to be appointed a U.S. circuit court judge to the Tenth Circuit. I congratulate my colleague

from Oklahoma for his leadership in promoting such a fabulous nominee. I believe that he would be just the kind of person we need on the bench. It's really, really baffling to hear any objection to him.

I want to talk about his background and record, and we'll begin to have a better understanding of the demand for ideological purity on the part of Democratic and liberal Members of the Senate when it comes to judges. It is unbelievable that there would be objection a man who articulates a view consistent with the Supreme Court majority in the *Adarand* case, an African American himself, who believes in Martin Luther King, Jr.'s dream that people would be judged by the content of their character and not the color of their skin.

He is a fabulous nominee. I would just like to mention a few things about him. He was voted out of committee a few weeks ago, July 13, on a voice vote. If confirmed, he will be the first African American to serve on the Tenth Circuit. He has stellar academic credentials and legal credentials. He graduated from Wake Forest University—one of America's great universities—cum laude with honors in 1983. Then he attended Georgetown University Law Center, one of the Nation's great law schools. At Georgetown, he was editor-in-chief of the Georgetown Immigration Law Journal. That's a great honor, to be part of a law journal at any law school, much less a great law school such as Georgetown. It's very competitive and difficult to get in Georgetown.

Recently, in 2000, he earned a master's of public administration from Harvard University's Kennedy School of Government. Between college and law school, he worked briefly as a social services assistant with the D.C. Department of Corrections, dealing with criminals and the problems they have.

Following law school, he clerked for the Honorable Wayne Alley on the U.S. District Court for the Western District of Oklahoma and the Honorable William J. Holloway on the U.S. Court of Appeals for the Tenth Circuit. In other words, he clerked for a trial court judge in the Tenth Circuit. By the way, it is a competitive process to be selected to be a clerk for a trial court judge. It takes a good law student to be selected for that. Everyone who applies is not selected. It is a very great honor. People compete for those few positions.

He worked at the trial bench, where he participated at the right hand of a U.S. Federal judge trying cases and participating in the trial of cases. Following that, he went to the Tenth Circuit, the very court he is now nominated to. If it is difficult to be a law clerk for a Federal district trial judge, it is far more difficult to be selected as a law clerk for a court of appeals judge. They have a stack of applications. They look at all competitors from around the country, and they select

the best. He was an honors graduate from Wake Forest and a top graduate at Georgetown and editor of the *Law Review*, and he clerked for a Federal judge. He clerked and help Judge Holloway write opinions on the Tenth Circuit—the very thing he will be doing if he is confirmed to this position, which I trust he will be.

Following these clerkships, he spent 3 years in private practice as an associate with the well-regarded law firm of Steptoe & Johnson, one of the best law firms in America. They do not hire just anybody.

In 1994, Mr. Holmes began a distinguished career as a Federal prosecutor, serving as an assistant U.S. attorney in the Western District of Oklahoma, the circuit area where he will be a circuit judge when confirmed.

I have served as an assistant U.S. attorney and as a U.S. attorney supervising assistant U.S. attorneys for almost 15 years. That is a great, great position because the assistant U.S. attorneys prosecute cases full time in Federal court before Federal judges. They learn everything there is to know about criminal law, which will be an important part of his duties as a Federal circuit judge. It is very good experience. Assistant U.S. attorneys get experience practicing before Federal judges, being involved in writing appeals to Federal judges, and understanding how the Federal system works. He did that for quite a number of years.

During that time, he prosecuted public corruption cases. Now that's a challenge. I have been there and done that. That is not easy. Politicians do not take lightly to being indicted. They do not appreciate it, and it is tough litigation. He prosecuted Federal criminal civil rights violations. Somehow, I guess they are saying this African American who has achieved so much is insensitive to civil rights because he does not agree with everything the left thinks about affirmative action or quotas. He was the U.S. attorney's office's antiterrorism coordinator, and he worked on the prosecution team that built the case against the perpetrators of the Oklahoma City bombing. That is a good background that shows a breadth of experience.

Since 2005, he has been the director of the prominent Oklahoma law firm of Crowe & Dunlevy, where he focused on white-collar criminal defense and complex litigation—another good background for the Federal bench.

Not only has he been a prosecutor, but he has defended criminal cases, giving him a perspective on both sides. I am a big fan of prosecutors, but I understand my colleagues on the other side of that debate, who defend cases, as I have on occasion, appreciate the fact that prosecutors have some defense work. He has had both.

Also, he chaired the firm's diversity committee, the committee committed to making sure that his law firm, Crowe & Dunlevy, did the things necessary to be a diverse law firm. He has



given back to the people of Oklahoma through taking leadership roles in a wide variety of important organizations. These include service as the director of the Oklahoma Medical Research Foundation. That is an important committee outside the normal realm of what a lot of people do with their lives, volunteering and giving time to a group like that. He also has served as trustee of the Oklahoma City National Memorial Foundation, director of the Oklahoma Academy for State Goals, chairman of the City Rescue Mission, helping people in trouble, down and out, people who need a hand to lift them up. I guess on occasion they minister to those people who are hurting, they minister to their souls. I think it is something to be proud of. He also served as vice president of the Oklahoma Bar Association.

He enjoys strong bipartisan support in Oklahoma. Gov. Brad Henry, a Democrat in Oklahoma, recently wrote that the nominee "is a highly qualified candidate, a superb lawyer, with a reputation for fairness, ethics, and integrity."

He summed up his letter by writing:

In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.

That is the Democratic Governor of Oklahoma.

Daniel Webber, a Democrat whom President Clinton made the U.S. attorney in Oklahoma, wrote:

I have known Jerome Holmes for over ten years. . . . I believe his intellect, experience, and character make him an excellent choice for a position on the appellate court.

The American Bar Association has unanimously found him qualified for the position.

Why would we have an objection to someone who spent this many years of his life practicing in Federal court as an assistant U.S. attorney, who spent 3 years as a law clerk to Federal judges, practicing in one of the country's biggest law firms, and being not a partner—they use a different phrase there, something like a partner—with the Dunlevy law firm in Oklahoma, a firm with a great reputation in the State? What is it that causes the Senate to have a debate on this fine nominee?

Again, I congratulate Senator COBURN for offering this kind of nominee. He has been willing to express his personal views on matters that some on the left do not like. I guess that is it. Let's just be frank about it. I suggest that what he said is consistent with the opinions of the U.S. Supreme Court. But even if he had a slightly different view than the Supreme Court, what is wrong with having him express that view? Why would anyone object to that?

This is what he said about the University of Michigan affirmative action case that many felt—and at least four Supreme Court Justices felt—was essentially a quota system. What is affirmative action? Everyone has a different view. What I think we in Amer-

ica tend to agree is that affirmative action, affirmative outreach, affirmative efforts to bring minorities into institutions and give them a chance to succeed is all right, but setting up quotas by which people, by the color of their skin, are given preference over someone else, therefore enhancing their ability and their rights over the rights of someone else simply because of the color of their skin, violates the equal protection and due process clauses of the U.S. Constitution. So that is all that tension in there.

I guess we come down to it in what I say, this is not a perfect analysis, but we say affirmative outreach is good; quotas are bad. I guess when you have a case such as University of Michigan, you ask, was this a quota or was it affirmative outreach? They had a big case on it. He had expressed some concern about that case. Remember, it was 5 to 4. It was not as if the Supreme Court had taken a case that they all felt one way about. So he wrote an op-ed, an article in the *Daily Oklahoman*. The title is "A Step Closer to King's Dream." He started off this way:

Perhaps the dream of Dr. Martin Luther King, Jr. will be realized: Children seeking educational opportunities no longer will be judged by the color of their skin.

Is that something that is radical? I don't think so. We have Members of this Senate who believe that anybody who deviates the slightest millimeter, or centimeter beyond the ideological views of the left is somehow unqualified to be a Federal judge. From what I have seen, they tend to be more critical if that person happens to be an African American that criticizes leftist orthodoxy.

So he wrote an article. It was, I thought, a very thoughtful article. There was nothing extreme about this. He said:

There are other ways to get minority students on college campuses besides handing out benefits based solely on skin color—an accident of birth.

I think that is a thoughtful statement—a matter of real importance. He then goes on to talk about what you can do to help minority students succeed and have a better chance to enter universities, noting:

. . . a poverty-reduction approach that primarily focuses on implementing race-neutral macroeconomic and labor-market policies, even though its central goal is bettering the life chances of the truly disadvantaged black and brown urban poor.

He goes on to say:

Diversity proponents need to come up with race-neutral policies that have the desired effect of boosting the number of minority students. Politicians and educators in Florida, Texas and California have attempted to do just that by mandating that the top percentage of students (for example, the top 10 percent) at every public school in the state be guaranteed a place in a state university.

So what he is saying is that is a race-neutral way to have a more diverse student body. But what is dangerous and violates the Constitution is to say that every law school or every univer-

sity must accept so many people, each based on race, regardless of their qualifications for the position.

He goes on to say that this high school proposal that Florida, Texas, and California have done is "race neutral, yet their acknowledged goal is to increase the number of minority students on college campuses. Top students from predominantly minority schools will invariably be represented there."

So, Mr. President, I would just say that I don't see anything extreme about those views. I don't believe my colleague from Oklahoma does. I see the Presiding Officer, a former justice on the Texas Supreme Court. I don't think he would believe those are extreme views. In fact, they are consistent with the U.S. Supreme Court opinion in *Adarand*. I think they are consistent with the Supreme Court opinion in the University of Michigan cases, very consistent with those cases, and respectful and understanding, as an African American himself, that we have to be careful that we are not moving to a situation in which people receive benefits as a result of the color of their skin only, unless there is a showing of a prior history of discrimination, which can be shown in a number of cases. Unless you have that, you should not create a legal system in America that advances someone simply because of the color of their skin and, therefore, puts at a disadvantage someone because of the color of their skin.

So he has made some thoughtful comments about it. I believe they are wise. I think he is correct. I am amazed that someone in this Senate would object to his confirmation based on these comments. But we apparently have that. I am sure we will have a good vote for Mr. Holmes tomorrow. I hope we will, and he will be confirmed. But it is rather odd to me that we have this objection, and he doesn't go straight through without any of this kind of debate.

I thank the Chair and the Senators from Oklahoma, Mr. COBURN and Mr. INHOFE, for their commitment to this sterling nominee, a minority, with an outstanding record—went to Georgetown, clerked for the Tenth Circuit, clerked for a Federal district judge, an assistant U.S. attorney, worked for one of America's great law firms. He has every right to be rated qualified by the American Bar Association, as he was unanimously. He should be confirmed for this position.

I yield the floor.

Mr. CORNYN. Mr. President, I am proud to join Senators INHOFE and COBURN—my friends and neighbors from the State of Oklahoma—in support of this fine nominee to the Federal bench.

Jerome Holmes is a leader in Oklahoma's legal community—and a leader in the broader community in which he lives. Mr. Holmes has demonstrated the qualifications, character, and temperament that will make him an outstanding judge.

As a testament to his ability and promise, the Judiciary Committee unanimously voted to move Mr. Holmes's nomination to this floor for confirmation. Jerome Holmes enjoys bipartisan support not only here in Washington, but, perhaps more telling, he enjoys bipartisan support back home in Oklahoma—where people know best this accomplished man and his good work.

In fact, Oklahoma's Democrat Governor, Brad Henry, said of Mr. Holmes: "Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics, and integrity . . . In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes." Again, Mr. President, that high praise comes from Oklahoma's Democrat Governor. Other prominent Democrats in Oklahoma praise Jerome Holmes as "a person of unwavering integrity," a "principled leader," and someone with a "willingness to listen and respect differing views." In short, the people who know this man best—Oklahomans of competing political stripes and policy views—think Jerome Holmes will make a great judge.

Those who know Jerome Holmes best know that he served with distinction as a Federal prosecutor for over a decade. They know that as an Assistant U.S. Attorney he vigorously—but fairly—prosecuted public corruption and civil rights violations—and that he served as his office's antiterrorism coordinator. In fact, Jerome Holmes worked on the prosecution team that built a case against the perpetrators of the Oklahoma City bombing.

I recall vividly that dark day in 1995, the day the Alfred P. Murrah Federal Building was bombed, the day that the people of Oklahoma City were terrorized. The Tenth Circuit's Chief Judge Deanell Reece Tacha pointed out that "[i]n some ways," her circuit and the people of Oklahoma "knew ahead of the rest of the nation of the horrors of terrorism."

Those who know Jerome Holmes best know that, he—like so many others in his office—took on this difficult assignment with fairness and care and dedication to see justice done.

President Bush nominated this fine man to the appellate bench for his strong qualifications but also for his demonstrated understanding of the proper, limited role of the Federal judiciary under the U.S. Constitution.

Jerome Holmes himself said it best:

I recognize very clearly the distinction between the role of a writer on social policy issues in their personal capacity and the role of a judge in adjudicating the rights and liberties of individual litigants.

And Mr. Holmes pointed out that as a judge "it is inappropriate for me to import my personal views on policy issues into the decision making process."

I would submit that this statement by Mr. Holmes is exactly correct. Judges should not be seen as politicians in robes. Unfortunately, too

many people still view the Federal courts as a vehicle for enacting policy choices that are too extreme to prevail at the ballot box. And, as a corollary, these same people view activist judges as a means to their policy ends.

I am confident that Jerome Holmes understands the proper, limited role that this Nation's Founders assigned to the Federal judiciary. I say that because I am confident that this President understands the judicial role and continues to nominate like-minded men and women to the bench.

The court to which Mr. Holmes is nominated—the Tenth Circuit Court of Appeals—covers a large part of the middle and western United States. The territorial jurisdiction of the Tenth Circuit includes six States: Oklahoma, Kansas, New Mexico, Colorado, Wyoming, and Utah. And the circuit also has jurisdiction over those parts of Yellowstone National Park extending into Montana and Idaho.

Last week, the Senate confirmed another outstanding nominee to the Tenth Circuit, Neil Gorsuch. And when the Senate votes to confirm Jerome Holmes, as I am confident it will, he will join Judge Gorsuch and four other fine Bush nominees on the Tenth Circuit.

So, in closing, I commend President Bush for submitting another fine nominee to the Senate for confirmation, and congratulate my friends from Oklahoma, their constituents, and the entire Tenth Circuit. I believe Jerome Holmes will make a fine appellate judge and will serve this Nation with honor and distinction.

I yield the floor.

Mr. COBURN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRESIDENTIAL SIGNING STATEMENTS

Mr. SPECTER. Mr. President, the American Bar Association issued a re-

lease today summarizing a report by a blue ribbon task force which concluded that President Bush's signing statements are in violation of and undermine the important doctrine of separation of powers. As it has been widely recorded, President Bush has undertaken a practice of issuing a signing statement at the time he signs congressional action into law. The task force said its recommendations "are intended to underscore the importance of the doctrine of separation of powers and, therefore, represent a call to the President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances."

Noting that the Constitution is silent about Presidential signing statements, the task force found that while several Presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the administration of President Bush. According to a press release issued today by the ABA, the task force report notes:

From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush . . . has produced more than 800.

The report found that President Bush's signing statements are "ritualistic, mechanical, and generally carry no citation of authority or detailed explanation." Even when "[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute, . . . this, too, was subjected to a ritual signing statement, insisting on the President's authority to withhold information whenever he deemed necessary."

This request raises serious concerns on the proceedings for separation of powers. The ABA states that its report goes on to say:

If left unchecked, the president's practice does grave harm to the separation of powers doctrine and the system of checks and balances that have sustained our democracy for more than two centuries.

The Senate Judiciary Committee held a hearing on this subject and found that this practice does threaten the separation of powers doctrine. The hearing showed that the Constitution is clear, that when both Houses of Congress pass legislation and submit that legislation to the President, the Constitution calls either for the President to sign the legislation, to engage in what could be called a pocket veto, or to veto the legislation and send it back to Congress. If there is a constitutional issue and the President concludes that portions of the statute are unconstitutional, he has an oath to uphold the

Constitution. And the way to fulfill that oath is to return the legislation to the Congress with a veto message noting the unconstitutionality of the provision and giving Congress the option of altering the legislation to satisfy the President's request, passing it over the President's veto, or declining to act further.

Additionally, the task force has urged the Congress to enact legislation to require the President to submit a report to the Congress of any such signing statement and has urged the Congress to enact legislation. During the course of the hearing before the Judiciary Committee, in my capacity as chairman, I made the request to Bruce Fein, who had been a lawyer in the Department of Justice during the Reagan administration, to take the lead and prepare legislation on the subject. Mr. Fein and my staff have been working on legislation. It is my expectation that, before the weekend, we will submit legislation to the Senate which will give the Congress standing to seek relief in the Federal courts in situations where the President has issued such signing statements and which will authorize the Congress to undertake judicial review of those signing statements, with the view to having the President's acts declared unconstitutional. That is our view as to the appropriate status of these signing statements.

It is worth noting that the task force members include a very distinguished array of former public servants, including former CIA Director William Sessions; former Republican House Member Mickey Edwards; Court of Appeals Judge Patricia M. Wald, and others.

At this point, I ask unanimous consent that the full text of the news release from the American Bar Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From American Bar Association, News Release, July 24, 2006]

**BLUE-RIBBON TASK FORCE FINDS PRESIDENT BUSH'S SIGNING STATEMENTS UNDERMINE SEPARATION OF POWERS**

WASHINGTON, DC.—Presidential signing statements that assert President Bush's authority to disregard or decline to enforce laws adopted by Congress undermine the rule of law and our constitutional system of separation of powers, according to a report released today by a blue-ribbon American Bar Association task force.

To address these concerns, the task force urges Congress to adopt legislation enabling its members to seek court review of signing statements that assert the President's right to ignore or not enforce laws passed by Congress, and urges the President to veto bills he feels are not constitutional.

The Task Force on Presidential Signing Statements and the Separation of Powers Doctrine was created by ABA President Michael S. Greco with the approval of the ABA Board of Governors in June, to examine the changing role of presidential signing statements after the Boston Globe on April 30 revealed an exclusive reliance on presidential signing statements, in lieu of vetoes, by the Bush Administration.

In appointing the special task force Greco said, "The use of presidential signing statements raises serious issues relating to the constitutional doctrine of separation of powers. I have appointed the Task Force to take a balanced, scholarly look at the use and implications of signing statements, and to propose appropriate ABA policy consistent with our Association's commitment to safeguarding the rule of law and the separation of powers in our system of government."

The task force report and recommendations will be presented to the ABA's policy-making House of Delegates for adoption at its upcoming Annual Meeting Aug. 7-8. Until the ABA House has taken formal action, the report and recommendations represent only the views of the task force.

The bipartisan task force, composed of constitutional scholars, former presidential advisers, and legal and judicial experts, noted that President George W. Bush is not the first president to use signing statements, but said, "It was the number and nature of the current President's signing statements which . . . compelled our recommendations."

The task force said its report and recommendations "are intended to underscore the importance of the doctrine of separation of powers. They therefore represent a call to this President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances."

The task force determined that signing statements that signal the president's intent to disregard laws adopted by Congress undermine the separation of powers by depriving Congress of the opportunity to override a veto, and by shutting off policy debate between the two branches of government. According to the task force, they operate as a "line item veto," which the U.S. Supreme Court has ruled unconstitutional.

Noting that the Constitution is silent about presidential signing statements, the task force found that, while several recent presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the Bush Administration.

The task force report states, "From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush . . . has produced more than 800."

The report found that President Bush's signing statements are "ritualistic, mechanical and generally carry no citation of authority or detailed explanation." Even when "[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute . . . this too was subjected to a ritual signing statement insisting on the President's authority to withhold information whenever he deemed it necessary."

"This report raises serious concerns crucial to the survival of our democracy," said Greco. "If left unchecked, the president's practice does grave harm to the separation of powers doctrine, and the system of checks and balances, that have sustained our democracy for more than two centuries. Immediate action is required to address this threat to the Constitution and to the rule of law in our country."

Greco said that the task force's report "constructively offers procedures that consider the prerogatives both of the president

and of the Congress, while protecting the public's right to know what legislation is adopted by Congress and if and how the president intends to enforce it. This transparency is essential if the American people are to have confidence that the rule of law is being respected by both citizens and government leaders."

The bipartisan and independent task force is chaired by Miami lawyer Neal Sonnett, a former Assistant U.S. Attorney and Chief of the Criminal Division for the Southern District of Florida. He is past chair of the ABA Criminal Justice Section, chair of the ABA Task Force on Domestic Surveillance and the ABA Task Force on Treatment of Enemy Combatants; and president-elect of the American Judicature Society.

"Abuse of presidential signing statements poses a threat to the rule of law," said Sonnett. "Whenever actions threaten to weaken our system of checks and balances and the separation of powers, the American Bar Association has a profound responsibility to speak out forcefully to protect those lynchpins of democracy."

The other task force members, whose brief background information follows, are William S. Sessions, Patricia M. Wald, Mickey Edwards, Bruce Fein, Harold Hongju Kho, Charles Ogletree, Stephen A. Saltzburg, Kathleen M. Sullivan, Mark Agrast, Tom Susman, and adviser Alan Rothstein.

The task force recommendations urge Congress to adopt legislation to permit the president, Congress or other entities to seek court review any time the president claims he has the authority, or states his intention, to disregard or decline to enforce all or part of a law he has signed, or when he interprets the law in a manner inconsistent with the intent of Congress. Currently, Congress lacks legal authority to seek judicial review in those circumstances.

The task force also urges the president to use his veto power, as all prior presidents have done, instead of a signing statement when he believes all or part of a bill is unconstitutional, in keeping with the Constitution's requirement that the president either approve or disapprove in their entirety laws presented to him by Congress.

If the president believes a bill pending before Congress would be unconstitutional if enacted, he should communicate his concerns to Congress before the bill is passed, according to the task force.

Additionally, the task force urges Congress to enact legislation requiring the president promptly to submit to Congress an official copy of every signing statement he issues. Any time the president claims authority or states his intention to disregard or decline to enforce all or part of a law he has signed, the legislation should require him to submit a report to Congress, available in a public database, setting forth in full the reasons and legal basis for his position, said the task force.

Presidential signing statements are not new, according to the task force, which notes that "Presidents have issued statements elaborating on their views of the laws they sign since the time of President James Monroe." But under President Ronald Reagan, "For the first time, signing statements were viewed as a strategic weapon in a campaign to influence the way legislation was interpreted by the courts and Executive agencies as well as their more traditional use to preserve Presidential prerogatives." The report also notes that President Clinton, like his predecessors, used signing statements, but to a significantly lesser degree, and different purpose.

Among President Bush's signing statements, the task force noted refusals to carry out laws involving "Congressional requirements to report back to Congress on the use

of Patriot Act authority to secretly search homes and seize private papers, [and] the McCain amendment forbidding any U.S. officials to use torture or cruel and inhumane treatment on prisoners."

Where legislation has mandated reports to Congress on special matters, such as the Intelligence Authorization Act of 2002, the signing statement treated the requirement as only advisory, said the task force. The task force said President Bush's signing statements are "particularly adamant about preventing any of his subordinates from reporting directly to Congress."

With more than 410,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law in a democratic society.

### CAPITOL SHOOTINGS ANNIVERSARY

Mr. FRIST. Mr. President, 8 years ago today, two brave men gave their lives in defense of the U.S. Capitol. A plaque in this building commemorates their bravery, their names have been etched indelibly upon the National Law Enforcement Officers Memorial a mile from here, and the headquarters of the U.S. Capitol Police now bears their names.

These memorials are fitting and proper. But they do not do these men full justice. We must also remember them in our words and our actions. All Members of Congress, all congressional staff, and, indeed, all Americans owe a great debt of gratitude to Officer Jacob Joseph Chestnut and Detective John Michael Gibson.

For a few moments, I would like to reflect upon the enormous bravery of these two men.

Officer Chestnut and Detective Gibson were both hardworking family men. Gibson had three children; Chestnut, five. Gibson found great happiness in the exploits of the Boston Red Sox and Boston Bruins. He knew their rosters by heart. Chestnut loved working in his garden. I knew both men by sight. I passed Officer Chestnut most every day on my way in to work.

On Friday, July 24, 1998, both men were nearing the end of a busy work day. But events unfolded with a quick and horrible speed. At about 3:40 p.m. police and prosecutors allege that Russell Eugene Weston entered the Capitol through the East Entrance. He attempted to evade a metal detector and Chestnut stepped into his path to stop him—to protect all of us. Weston shot him at point-blank range.

Weston then allegedly proceeded down the corridor, rushing towards the Office of the Majority Leader of the House of Representatives. Gibson, those who were in the office say, warned everyone to get down. He yelled "Drop your weapon" and exchanged gunfire with Weston. The crazed gunman hit Gibson in the leg and the chest. Gibson hit Weston in the leg and

chest as well. A female tourist got caught in the crossfire and suffered serious but fortunately non-life threatening wounds. Both men hit the floor, bleeding profusely. Gibson's actions saved lives. As one staffer put it at the time, "Thank God there was a good guy with a gun."

Sitting in my Dirksen office, I had begun preparations to leave for the weekend when I was notified an emergency was unfolding at the Capitol. My instincts and my surgical training took over.

I ran to the East "Law Library Entrance" at the Capitol. I saw blood all over—a horrible scene. Three bodies lay on the ground. I turned my attention to treating them. In the chaos, I didn't recognize any of the three.

I assisted the medical first responders in controlling the hemorrhaging and securing an airway, and then helping two of the victims into the ambulances. I rode in the ambulance to help control the hemorrhage of one of the injured. It turned out that patient was the alleged perpetrator.

All of us should, every day, give thanks for the bravery and sacrifices of Officer Jacob Joseph Chestnut and Detective John Michael Gibson. Many have contributed funds set up to assist their families and rarely a day goes by that I don't remember both of them in my thoughts and prayers.

The shootings that took place on July 24, 1998, were an attack on this Capitol, a central symbol of our democracy and, thus, an attack on the openness of Congress, and, in turn, upon the very principle of two-way communication between the people and their elected representatives.

Two brave men stood up for us all. They defended our democracy itself. We will not all be called to the same sort of moral heroism but can all learn from their example and all reflect upon their bravery.

Today, we mourn for them, we pray for the families, we thank them, and we remember them.

### CLIMATE CHANGE AND ITS POTENTIAL IMPACT ON WILDFIRES

Mr. REID. Mr. President, wildfires have already burned almost 300,000 acres in Nevada this year, and over 1.7 million acres were destroyed by fire last year. One particularly devastating fire last year burned over 500,000 acres in southern Nevada.

Well-established science indicates small, normally occurring wildfires are part of the healthy life-cycle of forests. Large, catastrophic fires, though, can sometimes cause extreme and irreversible damage to the delicate ecosystems in the West.

People in Nevada have always been concerned about wildfires and their ability to destroy homes, businesses, and our State's natural beauty. Recently, though, Nevadans and people throughout the West have begun to notice and ask questions about the dramatic changes in wildfire intensity and frequency.

The Congressional Research Service has concluded that many factors con-

tribute to the threat of wildfires. These factors include unnaturally high fuel loads, the urban-wildland interface, the increase of invasive plant species, unnatural wildfire suppression, and grazing and logging practices.

A recent scholarly article titled "Warming and Earlier Spring Increases Western U.S. Forest Wildfire Activity" published online on July 6, 2006, in the *Journal of Science* focuses on the previously unexplored correlation between climate change and wildfires. The article found that the frequency and intensity of wildfires in the West are growing as the climate gets hotter.

Two of the most telling parts of the article found that "robust statistical associations between wildfire and hydro-climate in western forests indicate that increased wildfire activity over recent decades reflects sub-regional responses to changes in climate." In addition, the authors assert that "large increases in wildfire driven by increased temperatures and earlier spring snowmelts in forests where land use history had little impact on fire risks indicates that ecological restoration and fuels management alone will not be sufficient to reverse current wildfire trends."

Mr. President, I do not believe that the issue of climate change should be a partisan issue. I hope the mountain of scientific evidence that is piling up on climate change will compel my colleagues on both sides and the administration to treat climate change as a moral issue and quickly enact mandatory reductions in global greenhouse emissions.

### ADDITIONAL STATEMENTS

#### DULUTH EAST HIGH SCHOOL, DULUTH, MINNESOTA

• Mr. DAYTON. Mr. President, today I wish to honor Duluth East High School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Duluth East High School is truly a model of educational success, which is reflected in the achievements of its students. Duluth East High School boasts a 98-percent graduation rate. Ninety-one percent of its graduates go on to some type of postsecondary education, with over 66 percent enrolling in a 4-year college. The class of 2005 had two students who qualified as National Merit semifinalists; nine received Letters of Commendation from the National Merit Scholarship Corporation; 23 earned a perfect 4.0 grade point average; and, all told, members of the class were offered in excess of \$2 million in scholarship monies.

Duluth East provides many challenging courses for high-achieving students, offering advanced placement courses in English, calculus, and European history. All advanced placement

students are required to take the advanced placement test at the end of the term. Students scoring three or better on the test automatically earn college credit. Last year, 70 percent of all Duluth East students who took the advanced placement tests scored three or above.

In addition to the advanced placement classes, Duluth East offers College in the School classes and honors classes in English, biology, chemistry, physics, and anatomy/physiology.

Two Duluth East teachers received significant recognition last year. Peg Zahorick, a special education teacher, was designated Teacher of the Year by Arc of Minnesota. She was honored for her work on behalf of persons with developmental disabilities and their families. Cindy Grindy, a chemistry teacher at Duluth East, was named the 2005 Star of American Teaching for Minnesota. That award is given by the U.S. Department of Education.

Much of the credit for Duluth East High School's success belongs to its principal, Laurie Knapp, and to the dedicated teachers. The students and staff at Duluth East High School understand that, in order to be successful, a school must go beyond achieving academic success. It must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Duluth East High School should be very proud of their accomplishments.

I congratulate Duluth East High School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### MAYOR MARK ZEIGLER OF STURGIS, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I to pay tribute to the work of a distinguished public official in my home State of South Dakota. On September 4, Mark Zeigler will step aside as mayor of Sturgis to become the president of Northwestern Health Science University in Bloomington, MN.

Mark and his wife Gae, an elementary school teacher, arrived in Sturgis on the last day of the 1980 Sturgis motorcycle rally. Mark quickly established his chiropractic practice. Later he began his political career by completing the term of Maurice LaRue on the Sturgis City Council.

For the next 14 years, Mark served on the Sturgis City Council. He left the council in 1997 and was elected mayor in 2001. During the past 5 years as mayor, and his nearly 20 years of community service to the residents of Sturgis, Mark has worked to make the community a better place to work, live, and raise a family.

During Mayor Zeigler's tenure, the city developed a state-of-the-art library and city hall complex that will serve the community and area residents for many years into the future.

He also worked towards the construction of a new fire hall that will provide expanded services to the Sturgis community and area.

Mayor Zeigler has been especially successful in promoting economic development. Not so many years ago, it appeared the city lacked the means to expand its industrial base. But Mayor Zeigler succeeded in working with city officials to design and expand the city's industrial park complex. Through his leadership, Sturgis has developed a niche among gun and ammunition manufacturers. In addition, he has made Sturgis a more attractive place to live and work by expanding and beautifying the city's greenway and bike path areas.

During his years of community service and as mayor of Sturgis, the annual Sturgis Motorcycle Classic has grown and expanded in popularity. Sturgis is a community of roughly 6,000 citizens that hosts this annual event that brings up to a million visitors each year. Hosting an event of this magnitude takes considerable effort and skill, which Mayor Zeigler and his team of local partners have shown in abundance. In addition, they have hosted other established and expanding events such as Cavalry Days, the national Sheep Dog trials and competition, and the Meade County Gas and Threshing Bee.

I have had the privilege of working with Mayor Zeigler during his terms as mayor. His dedication and commitment to his community and its citizens are to be applauded, and I congratulate and commend him on his years of service, his leadership, vision, and work ethic. Mark and Gae will be greatly missed by the residents of Sturgis, and I want to wish them all the best as they open a new chapter in their lives. The mayor's accomplishments in Sturgis will long be remembered fondly by the city's residents and by those of us who had the pleasure of working with him.●

#### HARRIET BEECHER STOWE ELEMENTARY SCHOOL, DULUTH, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Harriet Beecher Stowe Elementary School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Harriet Beecher Stowe Elementary School is truly a model of educational success. For past 12 years, the school has embraced an environmental education emphasis, with a 100-percent commitment to recycling, breakfast and lunch waste reduction, an integrated environmental education curriculum, a composting shed, an alternative-energy tower, and annual environmentally themed service-learning projects at all grade levels. Stowe Elementary was one of six Minnesota schools to receive last year's Spotlight

Award from the Minnesota Academic Excellence Foundation.

Improving pupils' achievement is also a primary focus at Stowe Elementary. The teachers and administrators establish annual goals relative to student achievement in reading, math, and writing, in addition to a goal related to the school's overall learning environment. The goals are comprehensive, including individual goals for every staff member. It has a summer "Jump Start" EXCEL Program for pupils determined to be at risk for maintaining their grade-level performance. Last year, Stowe Elementary received four stars in both reading and math from the Minnesota Department of Education.

Much of the credit for Harriet Beecher Stowe Elementary School's success belongs to its principal, Terry Cottingham, and to the dedicated teachers. The pupils and staff at Harriet Beecher Stowe Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Harriet Beecher Stowe Elementary School should be very proud of their accomplishments.

I congratulate Harriet Beecher Stowe Elementary School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### STATEMENT ON THE 125TH ANNIVERSARY OF THE FOUNDING OF WILMOT, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the progressive city of Wilmot, SD. It is my pleasure to recognize the citizens of Wilmot on reaching this milestone.

Wilmot is the oldest town in Roberts County and was named after Mr. Wilmot, a director of the Milwaukee Railroad. Wilmot was first settled in 1880 and filed for a town charter with the territorial government on June 3, 1881. In the early years of Wilmot, the community was located in Grant County but was shortly thereafter included in the newly created Roberts County, where it served as county seat for a number of years. The Milwaukee Railroad, which helped bring Wilmot into existence, still runs through the town today.

The community has endured its share of hardship. For example, on June 17, 1944, much of the agricultural area surrounding Wilmot was destroyed by a tornado. Like many rural areas, the community came together to help one another, cleaning off farmland and rebuilding buildings. This incident shows the strength of the bonds that hold this rural community together.

According to the 2000 census, Wilmot has 543 people. Small towns like

Wilmot comprise the backbone of our State. These communities are built on hard work and solid values and serve as a reminder of South Dakota's rich agricultural heritage. Wilmot is served by the Wilmot Enterprise weekly newspaper.

Even 125 years after its founding, Wilmot remains an active and vibrant community. As a way of celebrating this achievement, a "Wilmot History Book" is being compiled. This book will feature stories of all kinds about the people and events in Wilmot's past and will serve to bring this close-knit community even closer. I am proud to honor the people of Wilmot on this memorable occasion and to extend my congratulations to them.●

#### LOWELL ELEMENTARY SCHOOL, DULUTH, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Lowell Elementary School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lowell Elementary School, a music magnet school, is truly a model of educational success. In addition to a well-rounded learning experience, the school offers an exceptional music curriculum, including a choir at each grade level—kindergarten through fifth grade—piano instruction for second, third, and fourth-grade pupils, string instrument lessons for third through fifth grades, and band instruction for grades four and five.

Lowell Elementary School's success is reflected in its popularity within the Duluth community. There are 127 students on a waiting list for enrollment in Lowell, including children for future kindergarten enrollment. An English language learner program is housed in the building, serving 33 to 38 students per year from 10 different countries. A 21st Century Program, which involves a partnership between Lowell and the YMCA, provides on-site daily mentoring and tutoring services after school until 6:00 p.m., for pupils in grades K through 5.

Parents further attest to Lowell's success. Joan Lancour states:

My child has attended Lowell for the past three years. During this time, my child, Chris, has received extra help from all staff that he never received at other schools. The staff have helped him to gain confidence through the music program . . . Over these past three years I have seen him take strides to become an independent student through the excellent training of Lowell staff and administrators.

Another mother, Sue Wright, adds:

We feel very fortunate to have the enrichment of music in our children's education. The benefits of the extra music opportunities have shown in their academic success. Lowell is a positive school with very dedicated students, staff and parents. It has been a wonderful place for my family to begin a lifelong education.

Much of the credit for Lowell Elementary School's success belongs to its

principal, Monte Wittman, and to the dedicated teachers. The pupils and staff at Lowell Elementary School understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Lowell Elementary School should be very proud of their accomplishments.

I congratulate Lowell Elementary School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### IN RECOGNITION OF THE 125TH ANNIVERSARY OF THE TUSCOLA COUNTY FAIR

● Mr. LEVIN. Mr. President, I take this opportunity to recognize the Tuscola, Michigan County Fair as it celebrates its 125th anniversary. The Tuscola County Fair, in existence since 1881, showcases the local agricultural community in addition to other attractions, is an important contributor to the local economy, and entertains thousands of fairgoers of all ages each year.

The fair, which first took place the year President Garfield was assassinated, generates more than \$2 million of activity in the county. The impetus to locate a fair in Caro, MI, was the desire of agricultural groups in the area to display their harvest, livestock, home canning and baked goods, flowers and needlework, and of local merchants and other industries to demonstrate new products and machinery for the farm and home.

Over the years, the Tuscola County Fair has experienced several milestones. The fair first showed a profit in 1891, and in 1892, a half-mile clay track was constructed. Interestingly, while the track was intended for sulky races, in 1924, female jockeys raced Kentucky thoroughbreds every day of the fair. In 1896, a new Agricultural Hall was constructed to showcase the agricultural industry. In addition, the Fair Office, the oldest building still standing, was constructed in 1917, and in 1920, the present "Heritage Hall" was constructed. During World War II, the fairgrounds were used to house German prisoners, who worked to help the local sugar industry that was so vital to our war effort. More recently, in 1981, the Historical Society of Michigan designated the fairgrounds a historical site.

Many people have contributed to the success of the Tuscola County Fair, including Emery J. Vandemark, the longest serving board member, the treasurer for 28 years, and the current 13-year President; the late Jay Kitchen, past president; Walter Jackson, president of the fair board and active 4-H member; James Fitzgerald, past president; Jerry Vandemark, longtime fundraiser; and longtime members Waldo

Garner, Robert Nowland, Walter Putnam, and Frank Altizer, among many others.

The fair organizers and the many dedicated volunteers over the years have played an integral role in ensuring the success of the fair, and I know my colleagues join me in recognizing and congratulating all those who have contributed to the fair for their efforts.●

#### WASHINGTON ELEMENTARY SCHOOL, CLOQUET, MINNESOTA

● Mr. DAYTON. Mr. President, today I wish to honor Washington Elementary School, in Cloquet, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Washington Elementary School is truly a model of educational success. The school's teachers and administrators are to be applauded for their leadership in helping children understand the harmful consequences of bullying other students. Its Bullying Prevention Program is one of the best in the State.

The effort to address bullying at Washington Elementary began last year, after students were surveyed about their thoughts and attitudes toward a variety of school safety matters. Their responses to four key questions were significant: 22 percent of all pupils reported having been bullied at least two to three times per month; 62 percent said that when they see bullying they want to help, if only they knew what to do; children in grades 3 through 5 are the most often bullied; and the three places where bullying most frequently occurs are on the playground, in the lunchroom, and on the bus.

All licensed and nonlicensed staff at Washington Elementary received training using the Olweus Bullying Prevention Program. Staff learned what bullying is and how they can put an end to it. They learned how to teach students to recognize a bully and what steps to take when they encounter one. They learned that most bullying is not physical, but rather uses verbal taunts, and excludes and degrades the victim. Children who are bullied have lower self-esteem, more absences, and more anxiety, along with depression and thoughts of suicide.

The Bullying Prevention Program at Washington Elementary School has become a communitywide effort. Mailings were sent home to parents. Local business leaders, the mayor, the police chief, the media, and other local dignitaries participated in a "Kick-off Celebration" held earlier this school year. The program's slogan is, "Take a Bite Out of Bullying"; the University of Minnesota—Duluth Bulldog serves as the program's mascot.

The school community is rightly proud of the results. Children are coming to school feeling safer. Attendance



is up. And the school climate has improved. The Bullying Prevention Program has been featured in local newspaper stories. High school students have come to Washington Elementary to perform skits on the bullying theme, and this May the CLIMB Theater group completed a 3-day residency on bullying.

In addition, the school can take pride in its Minnesota Comprehensive Assessment test scores. Last year, the school received four-star ratings in both reading and math from the Minnesota Department of Education.

Much of the credit for Washington Elementary School's success belongs to its principal, Randy Thudin, and to the dedicated teachers. The pupils and staff at Washington Elementary School understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Washington Elementary School should be very proud of their accomplishments.

I congratulate Washington Elementary School in Cloquet for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### TRIBUTE TO JACK MICHAELS

● Mrs. MURRAY. Mr. President, today I wish to honor Jack Michaels, a decorated veteran and a lifelong advocate for veterans and disabled persons and their families all over the country. It has been my sincere pleasure to work with him to forward these efforts and I wish him all the best in his retirement from his post as Executive Director of the Northwest Paralyzed Veterans Association. His remarkable record of service reminds us all that one person's efforts can improve the lives of many.

The effects of Jack's advocacy can be felt in many ways. Jack served courageously as a Captain in the United States Army from 1966 to 1971 and was awarded the Distinguished Flying Cross, a Purple Heart, and other honors. After being shot down in combat and incurring a severe spinal cord injury, Jack realized his service to the United States was far from over; rather, it was just beginning.

We see Jack's influence in our national civil rights legislation. During Jack's tenure as the National President of Paralyzed Veterans of America, he worked tirelessly to facilitate the passage of landmark civil rights legislation, the Americans with Disabilities Act.

We see Jack's influence in the Puget Sound area. He provides expertise in accessibility and has served on public projects including Safeco Field, Seahawks Stadium, Benayora and McCaw Halls, and Seattle's new City Hall and Regional Justice Center, just to name a few. His leadership enabled

the Northwest Paralyzed Veterans Association to provide expertise to enable Amtrak's Cascades to become the first fully accessible train in America. His continued efforts to make SeaTac International Airport more accessible for the disabled will result in a new over-sized disabled passenger vehicle parking lot to be dedicated by Memorial Day this spring.

We see Jack's influence in Seattle's public transportation system. While working with the Washington Coalition for Citizens with Disabilities, of which he was a co-founder, and the Northwest Chapter Paralyzed Veterans of America, which he founded, Jack advocated for a totally accessible public transit system, which became a reality at King's County METRO 20 years later.

We see Jack's influence in the lives of hundreds of disabled veterans, for whom he has delivered, often personally, adaptive equipment in a donation program he created that provides free wheelchairs and hospital beds to those in need.

Throughout his service and advocacy, Jack never forgot his brothers and sisters in arms, both past and present. Through his words and his works, Jack constantly reminded American policymakers and citizens alike of the bravery, honor, and sacrifice military service entails. He reminded us of our national obligation to take care of our veteran population and to create a system with the capacity to provide for future veterans. He reminds us that the absolute least we can do to thank the courageous men and women who put their lives in jeopardy every day to protect our rights is provide for them and their families when their service is complete. With the aging Vietnam and Korean war veteran population and ever growing number of Iraq veterans returning home, it is on all of us to continue Jack's work for veterans and never to forget the example he set.

You might notice the frequent use of a single word throughout this recounting of Jack's military and civilian experience: served. Jack dedicated his life to service, first when he volunteered for the Army, then in countless other volunteer and advocacy endeavors. He gave his time and expertise in exchange for the satisfaction of effecting change and improving the lives of others, many of whom he may never meet. Rather than react with anger or despair to his harrowing combat injury, Jack treated it as a call to action. Jack's work has given opportunity to thousands of veterans and disabled Americans and left a legacy of service that will continue to touch lives for decades to come.●

#### WEBSTER, SOUTH DAKOTA, CELEBRATES 125TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I wish to recognize Webster, SD. The town of Webster will celebrate the 125th anniversary of its founding this year.

Located in Day County, Webster was founded in 1881 and named after one of its first settlers, J.B. Webster. Webster has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I offer my congratulations to Webster on their anniversary and wish them continued prosperity in the years to come.●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7601. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to a free trade agreement between the United States and the Republic of Peru; to the Committee on Finance.

EC-7602. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors, and Disability Insurance Supplemental Security Income; Collection of Overdue Program and Administrative Debts Using Federal Salary Offset" (RIN0960-AE89) received on July 17, 2006; to the Committee on Finance.

EC-7603. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effect of Elections in Certain Multi-Step Transactions" ((RIN1545-BB68)(TD 9271)) received on July 13, 2006; to the Committee on Finance.

EC-7604. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Field Directive on Asset Class and Depreciation for Casino Construction Costs" received on July 13, 2006; to the Committee on Finance.

EC-7605. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes" ((RIN1545-BB16)(TD 9274)) received on July 13, 2006; to the Committee on Finance.

EC-7606. A communication from the Interim Staff Director, United States Sentencing Commission, transmitting, pursuant to law, the Commission's 2005 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC-7607. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Saddle Rock-Malibu Viticultural Areas" ((RIN1513-AB15)(T.D. TTB-52)) received on July 18, 2006; to the Committee on the Judiciary.

EC-7608. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Alta Mesa, Borden Ranch, Clements Hills, Cosumnes River, Jahant, Mokelumne River, and Sloughhouse Viticultural Areas"

((RIN1513-AA82 thru 1513-AA88)(T.D. TTB-50)) received on July 18, 2006; to the Committee on the Judiciary.

EC-7609. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Eola-Amity Hills Viticultural Area" ((RIN1513-AA41)(T.D. TTB-51)) received on July 18, 2006; to the Committee on the Judiciary.

EC-7610. A communication from the Attorney Advisor, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Coast Guard Organization; Activities Europe" (RIN1625-AA03) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7611. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 4 regulations): [CGD05-06-025], [CGD05-06-037], [CGD05-06-033], [CGD05-06-036]" (RIN1625-AA08) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7612. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 2 regulations): [CGD05-05-041], [CGD07-04-136]" (RIN1625-AA09) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7613. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 3 regulations): [CGD07-06-108], [CGD07-06-107], [CGD05-06-065]" (RIN1625-AA08) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7614. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 6 regulations): [CGD05-06-071], [CGD05-06-070], [CGD01-06-076], [CGD01-06-077], [CGD01-06-078], [CGD05-06-039]" (RIN1625-AA09) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7615. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety and Security Zones; Tall Ships Celebration 2006, Great Lakes, Cleveland, Ohio, Bay City, Michigan, Green Bay, Wisconsin, Sturgeon Bay, Wisconsin, Chicago, Illinois" (RIN1625-AA00) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7616. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bearing Sea and Aleutian Islands Management Area" (I.D.# 061506A) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7617. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmit-

ting, pursuant to law, the report of a rule entitled "Proposed Rule: Haddock Separator Trawl Requirement" (I.D.# 061306A) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7618. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from Florida to North Carolina" (I.D.# 061206B) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7619. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Deep-Water Grouper Commercial Fishery" (I.D.# 060806E) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7620. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Recreational Grouper Fishery Management Measures" (I.D.# 032006C) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7621. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule" ((RIN0648-AU47)(I.D.# 051806E)) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7622. A communication from the Attorney, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Administrator, received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7623. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Secretary, received on July 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7624. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Direct Final Rule" (FRL No. 8187-6) received on July 13, 2006; to the Committee on Environment and Public Works.

EC-7625. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Cry2Ab2 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8076-6) received on July 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7626. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "PM2.5 De Minimis Emission Levels for General Conformity Applicability" (FRL No. 8197-4) received on July 13, 2006; to the Committee on Environment and Public Works.

EC-7627. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Update to Materials Incorporated by Reference" (FRL No. 8197-2) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7628. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision" (FRL No. 8191-3) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7629. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Minor Amendments to the Regulations Implementing the Allowance System for Controlling HCFC Production, Import and Export" (FRL No. 8199-9) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7630. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)" (FRL No. 8202-4) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7631. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Butene, Homopolymer; Tolerance Exemption" (FRL No. 8075-8) received on July 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7632. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to extend the authorization for the Federal contribution to the Uranium Enrichment Decontamination and Decommissioning Fund; to the Committee on Energy and Natural Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 757. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer (Rept. No. 109-290).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 3501. A bill to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program (Rept. No. 109-291).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 3714. A bill to establish the Math and Science Teaching Corps; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 3715. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide for the treatment of eligible combined defined benefit plans and qualified cash or deferred arrangements; to the Committee on Finance.

By Mrs. CLINTON:

S. 3716. A bill to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HARKIN:

S. 3717. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. DEWINE, and Mr. DODD):

S. 3718. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. ENSIGN, Mr. SALAZAR, Mr. ALLARD, and Mr. CRAIG):

S. 3719. A bill to amend the Internal Revenue Code of 1986 to allow public school districts to receive no interest loans for the purchase of renewable energy systems, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 539. A resolution congratulating the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEMINT:

S. Res. 540. A resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school at-

tendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 195

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 195, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 666

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 757

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1052

At the request of Mr. STEVENS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1052, a bill to improve transportation security, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2590

At the request of Mr. COBURN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2677

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2677, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 2772

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2772, a bill to provide for innovation in health care through State initiatives that expand coverage and access and improve quality and efficiency in the health care system.

S. 3495

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 3495, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

S. 3519

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 3519, supra.

S. 3520

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3520, a bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes.

S. 3545

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3545, a bill to amend title 38, United States Code, to improve services for homeless veterans, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution

expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

S. RES. 531

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 3716. A bill to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the "Captain George A. Wood Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, I am proud to introduce legislation which would designate the facility of the U.S. Postal Service located at 100 Pitcher Street in Utica, NY, as the Captain George A. Wood Post Office Building.

CAPT George A. Wood bravely served our Nation in Iraq before his tragic death on November 20, 2003.

Captain Wood was born and raised in Utica, NY, in the heart of the Mohawk Valley. As a student at Notre Dame Junior-Senior High School, Wood excelled both in the classroom and on the athletic field, where he participated in football and track and field.

Upon graduation from high school, Wood attended Cornell University. He played on the university's football team, but focused most of his attention on his academics, particularly his history coursework. After earning his bachelor's degree in 1993, Wood continued in his academic pursuits, earning master's degrees at SUNY-Albany and SUNY-Cortland.

Wood's interest in history continued after he entered the U.S. Army. As a captain in the 4th Infantry Division, Wood's responsibilities included leading a tank unit in Iraq. He told his wife that his experience leading troops would someday help him prepare for a doctorate in military history.

Captain Wood hoped to teach history and coach football at the U.S. Military Academy at West Point, NY. Unfortun-

nately, his untimely death will prevent this dream from becoming a reality. However, we can honor this great American for the sacrifice he made defending the freedoms we all enjoy.

Captain Wood's father and grandfather both worked at the Pitcher Street Post Office in Utica, NY, and it would be a fitting honor to designate this facility in tribute to CAPT George A. Wood.

I ask that the Senate come together and honor this brave American hero for his service to our Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3716

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CAPTAIN GEORGE A. WOOD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, shall be known and designated as the "Captain George A. Wood Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain George A. Wood Post Office Building".

By Mr. HARKIN:

S. 3717. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3717

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Wellness for Individuals with Disabilities Act of 2006".

#### SEC. 2. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end of the following:

#### "SEC. 510. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

"(a) STANDARDS.—Not later than 9 months after the date of enactment of the Promoting Wellness for Individuals with Disabilities Act of 2006, the Architectural and Transportation Barriers Compliance Board shall issue (including publishing) standards setting forth the minimum technical criteria for medical diagnostic equipment used in (or in conjunction with) physician's offices, clinics,

emergency rooms, hospitals, and other medical settings. The standards shall ensure that such equipment is accessible to, and usable by, individuals with disabilities, and shall allow independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.

"(b) MEDICAL DIAGNOSTIC EQUIPMENT COVERED.—The standards issued under subsection (a) for medical diagnostic equipment shall apply to equipment that includes examination tables, examination chairs (including chairs used for eye examinations or procedures), and dental examinations or procedures), weight scales, mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by health professionals.

"(c) REVIEW AND AMENDMENT.—The Architectural and Transportation Barriers Compliance Board shall periodically review and, as appropriate, amend the standards."

#### SEC. 3. WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

#### "SEC. 399P. ESTABLISHMENT OF WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

"(a) IN GENERAL.—

"(1) INDIVIDUAL WITH A DISABILITY DEFINED.—For purposes of this section, the term 'individual with a disability' has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)), for purposes of title V of such Act (29 U.S.C. 791 et seq.).

"(2) WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.—The Secretary, in collaboration with the National Advisory Committee on Wellness for Individuals With Disabilities, may make grants on a competitive basis to public and nonprofit private entities for the purpose of carrying out programs for promoting good health, disease prevention, and wellness for individuals with disabilities, and preventing secondary conditions in such individuals.

"(b) REQUIREMENT OF APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(c) AUTHORIZED ACTIVITIES.—With respect to promoting good health and wellness for individuals with disabilities described in subsection (a), activities for which the Secretary may make a grant under such subsection include—

"(1) programs or activities for smoking cessation, weight control, nutrition, or fitness that focus on the unique challenges faced by individuals with disabilities regarding these issues;

"(2) preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and

"(3) athletic, exercise, or sports programs that provide individuals with disabilities (including children with disabilities) an opportunity to increase their physical activity in a dedicated or adaptive recreational environment.

"(d) PRIORITIES.—

"(1) ADVISORY COMMITTEE.—The Secretary shall establish a National Advisory Committee on Wellness for Individuals With Disabilities that shall set priorities to carry out this section, review grant proposals, and make recommendations for funding, and annually evaluate the progress of the program under this section in implementing the priorities.

“(2) REPRESENTATION.—The Advisory Committee established under paragraph (1) shall include representation by the Department of Health and Human Services Office on Disability, the United States Surgeon General or his designee, the Centers for Disease Control and Prevention, private nonprofit organizations that represent the civil rights and interests of individuals with disabilities, and individuals with disabilities or their family members.

“(e) DISSEMINATION OF INFORMATION.—The Secretary shall, in addition to the usual methods of the Secretary, disseminate information about the availability of grants under the Wellness Grant Program for Individuals with Disabilities in a manner designed to reach public entities and nonprofit private organizations that are dedicated to providing outreach, advocacy, or independent living services to individuals with disabilities.

“(f) REPORTS TO CONGRESS.—The Secretary shall, not later than 180 days after the date of the enactment of the Promoting Wellness for Individuals with Disabilities Act of 2006, and annually thereafter, submit to Congress a report summarizing activities, findings, outcomes, and recommendations resulting from the grant projects funded under this section during the preceding fiscal year.

“(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary.”

#### SEC. 4. IMPROVING EDUCATION AND TRAINING TO PROVIDE MEDICAL SERVICES TO INDIVIDUALS WITH DISABILITIES.

(a) COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH.—Section 320A(b) of the Public Health Service Act (42 U.S.C. 247d-8(b)) is amended by—

(1) striking “, or to increase” and inserting “, to increase”; and

(2) striking the period and inserting the following “, or to provide training to improve competency and clinical skills in providing oral health services to, and communicating with, patients with disabilities, including those with intellectual disabilities.”.

(b) CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended by adding at the end the following:

“(h) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this section, a children's hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved graduate medical residency training program provided by the hospital.”.

(c) CENTERS OF EXCELLENCE.—Section 736(b) of the Public Health Service Act (42 U.S.C. 293(b)) is amended—

(1) in paragraph (6)(B), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

“(7) to carry out a program to improve competency and clinical skills of students in providing health services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and”.

(d) FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.—Section 747(a)(6) of the Public Health Service Act (42 U.S.C. 293k(a)(6)) is amended by striking “pediatric dentistry.” and inserting the following: “pediatric dentistry; and

“(7) to plan, develop, and operate a program for the training of physicians or dentists, or medical or dental residents, to improve competency and clinical skills of physicians and dentists in providing services to, and communicating with, patients with disabilities, including those with intellectual disabilities.”.

(e) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a)(1) of the Public Health Service Act (42 U.S.C. 294o(a)(1)) is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;

(2) by adding at the end the following:

“(G) appropriate efforts to be carried out by hospitals, schools of medicine, schools of osteopathic medicine, schools of dentistry, and accrediting bodies with respect to changes in undergraduate and graduate medical training to improve competency and clinical skills of physicians in providing health care services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and”.

(f) MEDICARE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended by adding at the end the following:

“(8) REQUIREMENT TO PROVIDE TRAINING.—

To be eligible to receive a payment under this subsection, a hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved medical residency training program provided by the hospital.”.

(g) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (f) shall take effect 180 days after the date of enactment of this Act.

By Mr. REID (for himself, Mr. ENSIGN, Mr. SALAZAR, Mr. AL-LARD, and Mr. CRAIG):

S. 3719. A bill to amend the Internal Revenue Code of 1986 to allow public school districts to receive no interest loans for the purchase of renewable energy systems, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3719

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Renewable Schools Energy Act of 2006”.

#### SEC. 2. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.

(a) IN GENERAL.—Subchapter U of chapter 1 of the Internal Revenue Code of 1986 (relating to incentives for education zones) is amended by redesignating section 1397F as section 1397G and by adding at the end of part IV of such subchapter the following new section:

#### “SEC. 1397F. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.

“(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified renewable school energy bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

“(b) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified renewable school energy bond is 25 percent of the annual credit determined with respect to such bond.

“(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified renewable school energy bond is the product of—

“(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

“(B) the outstanding face amount of the bond.

“(3) DETERMINATION.—For purposes of paragraph (2), with respect to any qualified renewable school energy bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of qualified renewable school energy bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

“(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term also includes the last day on which the bond is outstanding.

“(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits, subpart H thereof, section 1400N(1), and this section).

“(d) QUALIFIED RENEWABLE SCHOOL ENERGY BOND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘renewable school energy bond’ means any bond issued as part of an issue if—

“(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified school operated by an eligible local education agency,

“(B) the bond is issued by a State or local government of an eligible State within the jurisdiction of which such school is located,

“(C) the issuer—

“(i) designates such bond for purposes of this section, and

“(ii) certifies that it has the written approval of the eligible local education agency for such bond issuance, and

“(D) the term of each bond which is part of such issue is 20 years.

“(2) QUALIFIED SCHOOL.—The term ‘qualified school’ means any public school or public school system administrative building which is owned by or operated by an eligible local education agency.

“(3) ELIGIBLE LOCAL EDUCATION AGENCY.—The term ‘eligible local education agency’ means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

“(4) ELIGIBLE STATE.—The term ‘eligible State’ means, with respect to any calendar year—

“(A) one of the five States with the greatest percentage population growth for the most recent preceding year for which data is available as determined by the Bureau of the Census, and

“(B) the State with a total percentage population growth greater than 9 percent but less than 13.9 percent and a total population under the age of 19 of less than 300,000 as determined under the 2000 Census.

“(5) QUALIFIED PURPOSE.—The term ‘qualified purpose’ means, with respect to any qualified school, the purchase and installation of renewable energy products.

“(e) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

“(1) NATIONAL LIMITATION.—There is a national renewable school energy bond limitation for each calendar year. Such limitation is \$50,000,000 for 2007, \$100,000,000 for 2008, \$150,000,000 for 2009, and, except as provided in paragraph (4), zero thereafter.

“(2) ALLOCATION OF LIMITATION.—The national renewable school energy bond limitation for a calendar year shall be allocated by the Secretary—

“(A) among the eligible States described in subsection (d)(4)(A), 30 percent to the State with the greatest percentage population growth, 20 percent to each of second and third ranked States, and 10 percent to each of the fourth and fifth ranked States, and

“(B) to the State described in subsection (d)(4)(B), 10 percent.

The limitation amount allocated to an eligible State under the preceding sentence shall be allocated by the State education agency to qualified schools within such State.

“(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified school shall not exceed the limitation amount allocated to such school under paragraph (2) for such calendar year.

“(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

“(A) the limitation amount for any eligible State, exceeds

“(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified schools within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

“(f) OTHER DEFINITIONS.—For purposes of this section—

“(1) BOND.—The term ‘bond’ includes any obligation.

“(2) STATE.—The term ‘State’ includes the District of Columbia and any possession of the United States.

“(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)).

“(h) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

“(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified renewable school energy bond

and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person which, on the credit allowance date, holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

“(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified renewable school energy bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

“(i) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this section shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

“(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (3) and (4) of section 54(l) shall apply.”.

(b) CONFORMING AMENDMENTS.—The table of sections for part V of such subchapter is amended by redesignating section 1397F as section 1397G and by adding at the end of the table of sections for part IV of such subchapter the following new item:

“Sec. 1397F. Credit for holders of qualified renewable school energy bonds.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2006.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 539—CONGRATULATING THE DEPARTMENT OF AGRONOMY IN THE COLLEGE OF AGRICULTURE AT KANSAS STATE UNIVERSITY FOR 100 YEARS OF EXCELLENT SERVICE TO KANSAS AGRICULTURE

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 539

Whereas, in 2006, the Department of Agronomy in the College of Agriculture at Kansas State University in Manhattan, Kansas, celebrates its centennial year;

Whereas Kansas State Agricultural College was established under the Morrill Act as the first land-grant college in the United States in 1863 and, in July 1906, the Kansas Board of Regents established the Department of Agronomy in the College of Agriculture at the Kansas State Agricultural College;

Whereas, since its inception, the Department of Agronomy has exemplified the land-grant mission by providing statewide leadership in teaching, research, and extension programs in crop breeding, crop production, range science, soil science, and weed science;

Whereas advances in sciences studied at the Department of Agronomy have had a major impact in insuring the profitability of Kansas agriculture while sustaining the natural resources and improving the livelihood of all Kansans;

Whereas the faculty in the Department of Agronomy also have made significant international contributions to world food production and natural resources sustainability, including participation and leadership in long-term projects in India, the Philippines, Nigeria, Morocco, and Botswana;

Whereas the faculty in the Department of Agronomy have distinguished themselves by receiving numerous university and national awards in teaching, research, and extension and provided service and leadership for national and international professional societies;

Whereas the faculty in the Department of Agronomy have conducted research for sustainable, efficient crop and range production systems that conserve natural resources and protect environmental quality;

Whereas, today, a majority of the acres of wheat and a significant number of acres of alfalfa, soybean, and canola in Kansas are planted with varieties developed in the Department of Agronomy;

Whereas the Department of Agronomy extension specialists have provided information to producers and industry regarding soil fertility, conservation of soil and water resources, tillage and production systems, evaluation of crop varieties and hybrids, and protection of the environment, thus, keeping Kansas agriculture efficient and competitive;

Whereas the Department of Agronomy faculty have prepared students in agronomy to effectively serve agriculture and society by feeding the world and protecting soil and water resources;

Whereas the alumni of the Department of Agronomy have distinguished themselves in the public and private sectors as crop, soil, range, and weed science professionals and have become farmers, extension agents, educators, administrators, consultants, representatives, scientists, missionaries, military officers, contractors, and a host of other professionals; and

Whereas many alumni of the Department of Agronomy have become leaders in their communities, academia, industry, and government, contributing significantly to world agriculture by making hybrid corn a reality, developing seeds for the Green Revolution, developing sorghum into an important crop, breeding “Miracle Rice” for Asia, and leading national programs in wheat, barley, oat, and alfalfa: Now, therefore, be it

*Resolved*, That the Senate congratulates and commends the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture, the citizens of Kansas, the United States, and the world.

### SENATE RESOLUTION 540—ENCOURAGING ALL 50 STATES TO RECOGNIZE AND ACCOMMODATE THE RELEASE OF PUBLIC SCHOOL PUPILS FROM SCHOOL ATTENDANCE TO ATTEND OFF-CAMPUS RELIGIOUS CLASSES AT THEIR CHURCHES, SYNAGOGUES, HOUSES OF WORSHIP, AND FAITH-BASED ORGANIZATIONS

Mr. DEMINT submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 540

Whereas the free exercise of religion is an inherent, fundamental, and inalienable right secured by the 1st amendment to the Constitution of the United States;

Whereas the free exercise of religion is important to the intellectual, moral, civic, and ethical development of students in the United States;

Whereas the free exercise of religion must be conducted in a constitutionally appropriate manner;

Whereas, in *Zorach v. Clauson*, 343 U.S. 306 (1952), the United States Supreme Court held



that a statute that provides for the release of public school pupils from school attendance to attend religious classes is constitutional if—

(1) the programs take place away from school grounds;

(2) school officials do not promote attendance at religious classes; and

(3) the solicitation of students to attend is not done at the expense of public schools; and

Whereas the Constitution of the United States and the laws of the States allow the school districts of the States to release public school pupils from school attendance to attend religious classes: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls on all 50 States to recognize and accommodate those churches, faith-based organizations, and individuals that wish to release public school pupils from school attendance to attend religious classes; and

(2) respectfully requests the President of the United States to proclaim the third week of November 2006 as “Bible Education in School Time Week”.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4689. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table.

SA 4690. Mr. NELSON (of Florida) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 4688.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; which was ordered to lie on the table; as follows:

On page 5, line 23, strike “energy efficiency projects” and insert “energy efficiency and renewable energy projects and technologies”.

**SA 4689.** Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table; as follows:

At the end, insert the following:

#### SEC. \_\_\_\_ . TEEN PREGNANCY PREVENTION.

(a) EDUCATION PROGRAM FOR PREVENTING TEEN PREGNANCIES, AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may make grants to States, local educational agencies, State and local public health agencies, and nonprofit private entities for the purpose of carrying out programs of family life education, including education on both abstinence and contraception for the prevention of teen pregnancy and sexually transmitted disease, and education to support healthy adolescent development.

(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to applicants that will carry out the programs under such paragraph in communities for which the rate of teen pregnancy is significantly above the average rate in the United States of such pregnancies.

(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if the applicant for the grant meets the following conditions with respect to the program involved:

(A) The applicant agrees that information provided by the program on pregnancy prevention will be age-appropriate, factually and medically accurate and complete, and scientifically-based.

(B) The applicant agrees the program will—

(i) not teach or promote religion;

(ii) teach that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(iii) stress the value of abstinence while not ignoring those teens who have had or are having sexual intercourse, or teens at risk of becoming sexually active;

(iv) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(v) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(vi) encourage family communication about sexuality between parent and child;

(vii) teach teens the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances;

(viii) teach teens how alcohol and drug use can affect responsible decisionmaking; and

(ix) educate both young men and women about the responsibilities and pressures that come along with parenting.

(4) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education under paragraph (1), a State, agency, or entity may carry out educational and motivational activities that help teens—

(A) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(B) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS, throughout their lifespan;

(C) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(D) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, and other subjects;

(E) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(F) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including friendships, dating, romantic involvement, marriage, and family interactions; and

(G) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

(5) EVALUATION OF PROGRAMS.—The Secretary shall establish criteria for the evaluation of programs under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the program in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (6), a plan for conducting the evaluations.

(6) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (5) and the plan under paragraph (5)(C), as the Secretary determines to be necessary to carry out this subsection.

(7) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which programs under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the programs have been carried out.

(8) DEFINITIONS.—In this subsection:

(A) AGE-APPROPRIATE.—The term “age-appropriate”, with respect to information on pregnancy prevention, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(B) FACTUALLY AND MEDICALLY ACCURATE AND COMPLETE.—The term “factually and medically accurate and complete” means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(i) published in peer-reviewed journals, where applicable; or

(ii) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(C) HIV/AIDS.—The term “HIV/AIDS” means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(D) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated for each of the fiscal years 2007 through 2011, an amount equal to the total

amount appropriated for that fiscal year to carry out programs of abstinence education under—

(A) section 510 of the Social Security Act (42 U.S.C. 710);

(B) title XX of the Public Health Service Act (42 U.S.C. 300z et seq.); and

(C) section 501(a)(2) of the Social Security Act (42 U.S.C. 701(a)(2)).

(b) REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.—

(1) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Section 4206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7176) is amended—

(A) in paragraph (5), by striking “\$2,250,000,000” and inserting “\$2,500,000,000”; and

(B) in paragraph (6), by striking “\$2,500,000,000” and inserting “\$2,750,000,000”.

(2) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(A) by striking “There are” and inserting “(a) IN GENERAL.—There are”; and

(B) by adding at the end the following:

“(c) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated \$73,000,000 for each of fiscal years 2007 and 2008 to carry out subpart 10.”.

(3) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a-11(f)) is amended by striking “\$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$883,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

(4) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a-28) is amended by striking “\$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$325,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

(c) DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO TEEN PREGNANCY PREVENTION AND AFTER-SCHOOL PROGRAMS.—

(1) IN GENERAL.—The Secretary may make grants to public or nonprofit private entities for the purpose of assisting the entities in demonstrating innovative approaches to prevent teen pregnancies.

(2) CERTAIN APPROACHES.—Approaches under paragraph (1) may include the following:

(A) Encouraging teen-driven approaches to pregnancy prevention.

(B) Exposing teens to realistic simulations of the physical, emotional, and financial toll of pregnancy and parenting.

(C) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(3) MATCHING FUNDS.—

(A) IN GENERAL.—With respect to the costs of the project to be carried out under paragraph (1) by an applicant, a grant may be made under such paragraph only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs (\$1 for each \$3 of Federal funds provided in the grant).

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in

determining the amount of such non-Federal contributions.

(4) EVALUATION OF PROJECTS.—The Secretary shall establish criteria for the evaluation of projects under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the project in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (5), a plan for conducting the evaluations.

(5) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (4) and the plan under paragraph (4)(C), as the Secretary determines to be necessary to carry out this subsection.

(6) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under paragraph (1) and the effectiveness of each of the approaches.

(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 2007 through 2011.

**SA 4690.** Mr. DOMENICI (for himself, Mr. COCHRAN, Mr. FRIST, Ms. LANDRIEU, Mr. MARTINEZ, Mr. SESSIONS, Mr. VITTER, Mr. CORNYN, Mrs. HUTCHISON, Mr. LOTT, Mr. MCCONNELL, and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance energy independence and security of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 6. SENSE OF THE SENATE REGARDING APPOINTMENT OF CONFEREES BY THE SENATE AND AMENDMENT BY THE HOUSE OF REPRESENTATIVES.**

It is the sense of the Senate that—

(1) the Senate should not appoint conferees to conference with the House of Representatives with respect to this Act; and

(2) the House of Representatives should enact this Act without amendment.

## NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled “Offshore Abuses: The Enablers, The Tools & Offshore Secrecy.”

The Subcommittee has held a number of hearings addressing the issue of tax havens and offshore abuses which are undermining the integrity of the Federal tax system, diverting tens of billions of dollars each year from the U.S. Treasury, and undermining U.S.

law enforcement. Hearings held in 2001 examined the historic and ongoing lack of cooperation by some offshore tax havens with international tax enforcement efforts and their resistance to divulging information needed to detect, stop, and prosecute U.S. tax evasion. A hearing held in December 2002 and report issued in January 2003 provided an in-depth examination of an abusive tax shelter used by Enron. Two days of hearings in November 2003, and a bipartisan report issued in 2005, provide an inside look at how some respected accounting firms, banks, investment advisors, and lawyers have become engines pushing the design, sale, and implementation of abusive tax shelters to corporations and individuals across the country.

The subcommittee's upcoming August 1 hearings will present case histories on the use of offshore trusts and corporations to circumvent U.S. tax, securities and anti-money laundering laws. Witnesses for the upcoming hearing will be securities firms, banks, law firms, U.S. taxpayers, a trust protector, and tax and securities experts.

The subcommittee hearing is scheduled for Tuesday, August 1, 2006, at 9 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, staff director and chief counsel to the Permanent Subcommittee on Investigations, at 224-3721.

## ENHANCING ENERGY INDEPENDENCE AND SECURITY OF THE UNITED STATES—MOTION TO PROCEED

### CLOTURE MOTION

Mr. FRIST. Mr. President, I was prepared to ask unanimous consent that it be in order to proceed to Calendar No. 529, S. 3711, the energy security legislation, but I understand there will be an objection. Therefore, I now move to proceed to S. 3711, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 529, S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

Bill Frist, Pete V. Domenici, Richard G. Lugar, Mitch McConnell, Kay Bailey Hutchison, Jim Bunning, Trent Lott, Christopher S. Bond, Tom Coburn, Wayne Allard, David Vitter, Mel Martinez, Thad Cochran, Jim DeMint, John Cornyn, Lindsey Graham, Jeff Sessions.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

#### COSPONSORS OF S. 3709

Mr. FRIST. Mr. President, parliamentary inquiry: Last week the Foreign Relations Committee reported an original bill, S. 3709, which deals with the export of nuclear materials to India. When the committee reported out the bill, 17 Senators asked to be original cosponsors of this important legislation. It is my understanding that because this is an original bill, it would not be in order to include those Senators as cosponsors now; is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. FRIST. Mr. President, I ask unanimous consent that a list of those who wish to be listed as cosponsors be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Cosponsors: Lugar, Biden, Hagel, Chafee, Allen, Coleman, Voinovich, Alexander, Sununu, Murkowski, Martinez, Dodd, Kerry, Nelson, Obama, Cornyn, Bayh.

#### CLARIFYING TREATMENT OF SELF-EMPLOYMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 4019, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4019) to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4019) was ordered to a third reading, was read the third time, and passed.

#### UNITED STATES-INDIA ENERGY SECURITY COOPERATION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 454, S. 1950.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1950) to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The part intended to be stricken is shown in boldface brackets, and the part intended to be inserted is shown in italic.)

#### S. 1950

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-India Energy Security Cooperation Act of [2005] 2006".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The December 2004 National Intelligence Council report entitled "Mapping the Global Future in 2020" states that the single most important factor affecting the demand for energy will be global economic growth, especially that of China and India. It is estimated that the current economic growth rate in India is approximately 7 percent of gross domestic product. India will need to double its energy consumption within the next 15 years to maintain steady rates of economic growth.

(2) The United States and India launched an energy dialogue on May 31, 2005, aimed at building upon a broad range of existing energy cooperation and developing new avenues of collaboration on energy. These efforts will promote increased trade and investment in the energy sector by utilizing resources in the public and private sectors, focusing on oil and gas, power and energy efficiency, new technologies and renewable energy, coal and clean coal technology, and civil nuclear cooperation. In his testimony before the Committee on Foreign Relations of the Senate on July 26, 2005, Under Secretary of Energy David Garman said, "The United States and India recognize their mutual interests are best served by working together in a collaborative fashion to ensure stability in global energy markets."

(3) As the sixth largest energy consumer in the world, India satisfies 70 percent of its oil demand with imports and has embarked on an aggressive oil and gas exploration program. The largest discovery of natural gas in the world in 2002 occurred in India. In 2003, the largest discovery of oil in the world occurred in the state of Rajasthan in India. External funding and investment in the oil and gas industry in India is necessary to maximize recovery from oil fields, but an improved investment environment in India is needed to attract such investment.

(4) India is the world's third largest producer of coal and will continue to rely on coal as a major energy source to support expanding industrial and electric power generation needs. However, many of India's coal-fired plants are inefficient and lack adequate pollution control equipment. In his address to a joint session of the United States Congress on July 19, 2005, Prime Minister of India Manmohan Singh noted the importance of allowing greater access for developing countries to clean coal technologies

and of exploring partnerships that encourage more efficient use of hydrocarbon resources.

(5) India provides a market for United States technologies that promote the clean and efficient use of energy.

(6) India has announced plans to develop a 5,000,000 ton strategic crude oil reserve, which is expected to be completed by 2009.

(7) United States energy experts have emphasized the need for the United States to increase collaboration with other countries—

(A) to develop and deploy energy technologies that will not be pursued absent greater Federal support;

(B) to increase investment in cooperative international energy research; and

(C) to expand the global network of strategic petroleum reserves.

#### SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to cooperate with India to address common energy challenges, to ensure future global energy security, and to increase the world-wide availability of clean energy;

(2) to promote dialogue and increased understanding between the United States and India on our respective national energy policies and strategies as an integral part of the expanding strategic partnership between the two countries; and

(3) to collaborate with India in energy research that fosters market-based approaches to energy security and offers the promise of technological breakthroughs that reduce oil dependency globally.

#### SEC. 4. ASSISTANCE TO SUPPORT ENERGY COOPERATION.

(a) AUTHORIZATION.—The President is authorized to establish programs in support of greater energy cooperation between the United States and India.

(b) ACTIVITIES.—Assistance may be provided under this section for cooperation related to—

(1) research, development, and deployment of clean coal and emission reduction technologies and carbon sequestration projects;

(2) research, development, and deployment of alternative fuel sources, such as ethanol, bio-mass, and coal-based fuels, and hydrogen;

(3) research, development, and deployment of energy efficiency projects;

(4) research related to commercially available technologies that promote the clean and efficient use of energy in India; and

(5) technical assistance in support of the development by the Government of India of a strategic oil reserve to allow India to cope with short-term disruptions to global oil supplies without causing shocks to India's market or the global market.

#### SEC. 5. REPORT ON ENERGY COOPERATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in coordination with the Secretary of Energy, submit to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce and the Committee on International Relations of the House of Representatives a report on energy security cooperation between the United States and India.

(b) CONTENT.—The report required under subsection (a) shall describe—

(1) the ways in which the United States and India have cooperated on energy research and development activities;

(2) joint projects that have been initiated using assistance authorized under section 4, and the contribution such assistance has made to improving global energy security; and

(3) plans for future energy cooperation and joint projects between the United States and India.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Lugar amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to consider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4688) was agreed to, as follows:

(Purpose: To authorize assistance for renewable energy projects)

On page 5, line 23, strike "energy efficiency projects" and insert "energy efficiency and renewable energy projects and technologies".

The bill (S. 1950) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1950

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-India Energy Security Cooperation Act of 2006".

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Congress makes the following findings:

(1) The December 2004 National Intelligence Council report entitled "Mapping the Global Future in 2020" states that the single most important factor affecting the demand for energy will be global economic growth, especially that of China and India. It is estimated that the current economic growth rate in India is approximately 7 percent of gross domestic product. India will need to double its energy consumption within the next 15 years to maintain steady rates of economic growth.

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coal as a major energy source to support expanding industrial and electric power generation needs. However, many of India's coal-fired plants are inefficient and lack adequate pollution control equipment. In his address to a joint session of the United States Congress on July 19, 2005, Prime Minister of India Manmohan Singh noted the importance of allowing greater access for developing countries to clean coal technologies and of exploring partnerships that encourage more efficient use of hydrocarbon resources.

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(3) research, development, and deployment of energy efficiency and renewable energy projects and technologies;

(4) research related to commercially available technologies that promote the clean and efficient use of energy in India; and

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(1) the ways in which the United States and India have cooperated on energy research and development activities;

(2) joint projects that have been initiated using assistance authorized under section 4, and the contribution such assistance has made to improving global energy security; and

(3) plans for future energy cooperation and joint projects between the United States and India.

#### ORDERS FOR TUESDAY, JULY 25, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, July 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume executive session for the consideration of the Holmes nomination. I also ask that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow morning there will be the 2 final hours for debate on the Holmes nomination. If all time is used, that vote would occur shortly before noon on Tuesday. That vote could occur a little earlier if some debate time is yielded back. After the policy meetings in the afternoon, we will proceed to the Child Custody Protection bill. We will be on that bill, the Child Custody Protection bill, throughout tomorrow afternoon, into the evening, in order to finish the bill.

A few moments ago I filed cloture on the Gulf of Mexico energy security bill. I filed cloture on the motion to proceed to ensure the Senate can take action on this bill related to our energy independence. That vote will occur Wednesday morning, prior to the 11 a.m. joint meeting with the House of Representatives.

#### ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:13 p.m., adjourned until Tuesday, July 25, 2006, at 9:45 a.m.